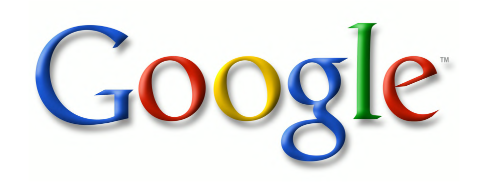
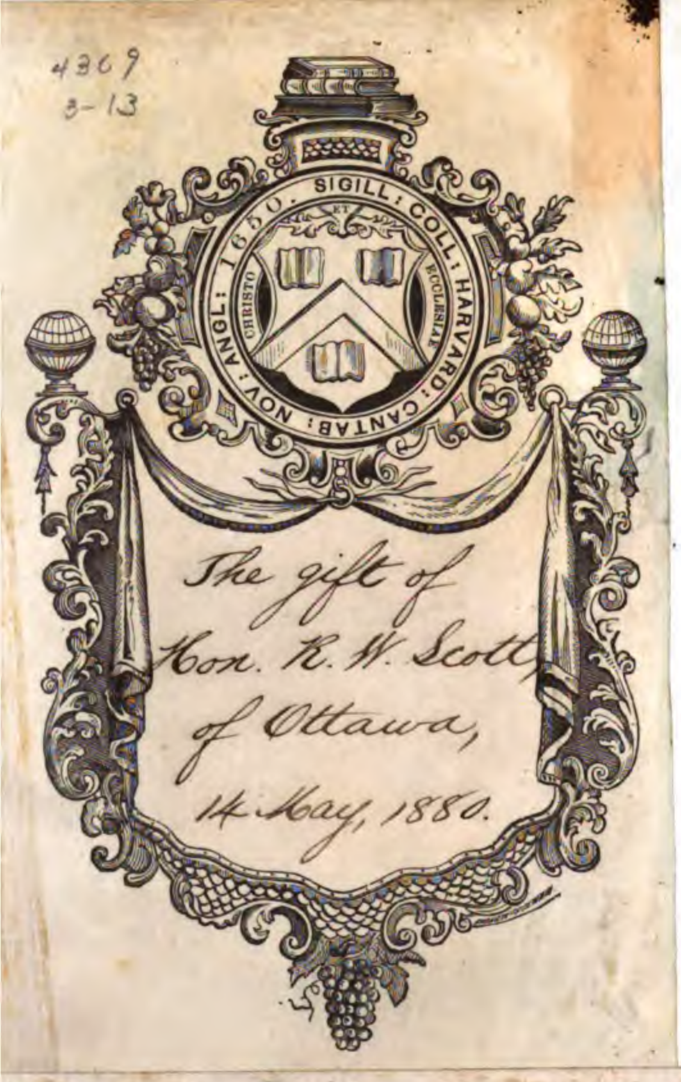



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STATUTES OF CANADA

PASSED IN THE SESSION HELD IN THE

THIRTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FIRST SESSION OF THE FIRST PARLIAMENT OF CANADA.

Begun and holden at Ottawa, on the Sixth day of November, and adjourned on the Twenty-first December, 1867, to the Twelfth March following.

PART SECOND.

FROM 12TH MARCH, 1868.



HIS EXCELLENCY
THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK
GOVERNOR GENERAL.

OTTAWA:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1868.



ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ.

CAP. XXII.

An Act for continuing the Parliament of Canada, in case of the demise of the Crown.

[*Assented to 22nd May*, 1868.]

WHEREAS the peace, welfare and security of this Dominion, might be exposed to great dangers, if the Parliament of Canada should be dissolved by the demise of Our Sovereign Lady, Queen Victoria, (whom God long preserve) or by the demise of any of Her Majesty's Heirs and Successors: For remedy thereof, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

Parliament not to be dissolved by demise of the Crown.

1. No Parliament of Canada, heretofore or hereafter summoned, or called by our Sovereign Lady the Queen, or Her Heirs and Successors, shall determine or be dissolved by the demise of the Crown, but such Parliament shall continue, and may meet, convene and sit, proceed and act, notwithstanding such demise of the Crown, in the same manner as if such demise had not happened.

Right to prorogue, &c., not affected.

2. Nothing in the next preceding section shall alter or abridge the power of the Crown, to prorogue or dissolve the Parliament of Canada.

CAP. XXIII.

An Act to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of Parliamentary Papers.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Privileges, &c. to be the same as those of the House of Commons of the United Kingdom, at the passing of the Union Act.

1. The Senate and the House of Commons respectively, and the Members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as, at the time of the passing of the British North America Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof, so far as the same are consistent with and not repugnant to the said Act.

Such privileges to be noticed judicially.

2. Such privileges, immunities and powers shall be deemed to be and shall be part of the General and Public Law of Canada, and it shall not be necessary to plead the same, but the same shall in all Courts in Canada and by and before all Judges be taken notice of judicially.

Printed copy of journals to be evidence thereof.

3. Upon any inquiry touching the privileges, immunities and powers of the Senate and of the House of Commons or of any Member thereof respectively, any copy of the Journals of the Senate, or House of Commons, printed or purporting to be printed by the order of the Senate or House of Commons, shall be admitted as evidence of such Journals by all Courts, Justices, and others, without any proof being given that such copies were so printed.

In suit, &c., for publishing reports, &c., Court or Judge to stay proceedings, on proof that the publication was by authority of either House.

4. Any person who shall be a Defendant in any Civil or Criminal proceedings commenced or prosecuted in any manner soever for or on account of or in respect of the publication of any report, paper, votes or proceedings, by such person or by his servant, by or under the authority of the Senate or House of Commons, may bring before the Court in which such proceedings shall be so commenced or prosecuted or before any Judge of the same, first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding or to his Attorney or Solicitor, a certificate under the hand of the Speaker or Clerk of the Senate or House of Commons, as the case may be, stating that the report, paper, votes or proceedings as the case may be, in respect whereof such Civil or Criminal proceedings shall have been commenced or prosecuted, was or were published by such person or by his servant,

servant, by order or under the authority of the Senate or House of Commons, as the case may be, together with an affidavit verifying such certificate; and such Court or Judge shall thereupon immediately stay such Civil or Criminal proceedings, and the same and every Writ or Process issued therein shall be and shall be deemed and taken to be finally put an end to, determined and superseded by virtue of this Act.

5. In case of any Civil or Criminal Proceedings hereafter to be commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, the defendant at any stage of the proceedings may lay before the Court or Judge, such report, paper, votes or proceedings, and such copy, with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy, and the Court or Judge shall immediately stay such Civil or Criminal proceedings, and the same and every Writ or Process issued therein, shall be and shall be deemed to be finally put an end to, determined and superseded by virtue of this Act. The like in cases commenced hereafter.

6. It shall be lawful in any Civil or Criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue or denial, such report, paper, votes or proceedings, and to show that such extract or abstract was published *bonâ fide* and without malice, and if such shall be the opinion of the Jury, a Verdict of not guilty shall be entered for the Defendant. What proof may be made under the plea of general issue, in action for publishing extracts, &c., of such reports, &c.

CAP. XXIV.

An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of either House of Parliament.

[*Assented to 22nd May*, 1868.]

WHEREAS it is expedient that the Senate should have power to examine witnesses at the Bar on Oath; and whereas it is also expedient that evidence taken before any Select Committee of either House of Parliament on a Private Bill, should be available, if desired, before the Committee of the other House to which the same Bill is referred, and that for this purpose the Select Committees of the Senate and of the House of Commons on Private Bills, should be enabled to administer an oath to the witnesses examined before them: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Witnesses may be examined upon oath at the Bar of the Senate, and for that purpose the Clerk of the House may administer an oath to any such witness. Examination on oath at Bar of Senate.

2.

And before Select Committees on private Bills in Senate.

2. Any Select Committee of the Senate to which any Private Bill has been referred by that House, may examine witnesses upon oath, upon matters relating to such Bill, and for that purpose the Chairman or any Member of such Committee may administer an oath to any such witness.

Or in the House of Commons.

3. Any Select Committee of the House of Commons to which any Private Bill has been referred by that House, may examine witnesses upon oath, upon matters relating to such Bill, and for that purpose the Chairman or any Member of such Committee may administer an oath to any such witness.

Perjury.

4. Any person examined as aforesaid, who shall wilfully give false evidence, shall be liable to the penalties of perjury.

CAP. XXV.

An Act further securing the independence of Parliament.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Except as hereinafter specially provided—

No person holding an office of emolument under the Government of Canada, to be member of the House of Commons.

1. No person accepting or holding any office, commission or employment in the service of the Government of Canada, at the nomination of the Crown, to which an annual salary, or any fee, allowance or emolument in lieu of an annual salary from the Crown is attached, shall be eligible as a Member of the House of Commons, nor shall he sit or vote in the same during the time he holds such office, occupation or employment;

Exception as to Members of the Privy Council, or persons holding certain offices.

2. Nothing in this section shall render ineligible as aforesaid, any person holding any of the following offices, that is to say: President of the Privy Council, Receiver General, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Secretary of State for the Provinces, Minister of Public Works, Postmaster General, Minister of Agriculture and Emigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine and Fisheries, or shall disqualify him to sit or vote in the House of Commons, provided he be elected while holding such office, and not otherwise disqualified;

Proviso.

Exception as to one Commissioner of Intercolonial Railway and Officers in the Army,

3. Nothing in this section shall render ineligible, as aforesaid, or disqualify to sit or vote in the House of Commons, one of the Commissioners appointed under the Act respecting the Intercolonial Railway, or any Officer of Her Majesty's Army or Navy, or any Officer in the Militia or Militiaman (except

(except Officers on the Staff of the Militia receiving permanent salaries) unless he be otherwise disqualified. Navy or Militia.

2. No person whosoever holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, any contract or agreement with Her Majesty, or with any Public Officer or Department, with respect to the public service of Canada, or under which any public money of Canada is to be paid for any service or work, shall be eligible as a Member of the House of Commons, nor shall he sit or vote in the same. No contractor with the Gov. of Canada to be a member of the H. of Commons.

3. If any person hereby disqualified or declared incapable of being elected a Member of the House of Commons, is nevertheless elected and returned as a member, his election and return shall be null and void. Election of persons disqualified, to be null.

4. No person disqualified by the next preceding sections or by any other law, to be elected a Member of the House of Commons, shall sit or vote in the same while he remains under such disqualification: No disqualified person shall sit or vote.

2. And if any person disqualified or declared incapable of sitting or voting in the House of Commons, by the first, second or third sections, sits or votes therein, he shall thereby forfeit the sum of two thousand dollars, for each and every day on which he so sits or votes; and such sum may be recovered from him by any person who will sue for the same, by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in Canada. Penalty for so doing. How recoverable.

5. If any Member of the House of Commons, by accepting any office or becoming a party to any contract or agreement, becomes disqualified by law to continue to sit or vote in the same, his election shall thereby become void, and the seat of such Member shall be vacated, and a Writ shall forthwith issue for a new election as if he were naturally dead; but he may be re-elected if he be eligible under the first section of this Act. Member accepting Office, &c. to vacate his seat. May be re-elected under sect. 1, par. 2.

6. Nevertheless, whenever any person holding the office of President of the Privy Council, Receiver General, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Secretary of State for the Provinces, Minister of Public Works, Postmaster General, Minister of Agriculture and Emigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine and Fisheries, and being at the same time a Member of the House of Commons, resigns his office, and within one month after his resignation accepts any of the said offices, he shall not thereby vacate his seat in the said House of Commons. Certain Officers may resign one office and accept the same or another within a month without vacating.

7.

Members may resign their seats.

7. Any Member of the House of Commons may voluntarily resign and vacate his seat in the manner hereinafter provided.

Proceedings in such case for issue of new writ, by notice in the House;

Speaker's warrant.

8. Any such Member wishing to resign his seat, may do so by giving in his place in the House of Commons notice of his intention to resign it, in which case and immediately after such notice has been entered by the Clerk on the Journals of the House, the Speaker may address his Warrant under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a Writ for the election of a new member in the place of the member resigning;

Or by notice in writing to the Speaker.

Speaker's warrant.

Entry in Journals.

2. Or such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a Session of Parliament or in the interval between two Sessions,—and the Speaker may upon receiving such declaration forthwith address his Warrant under his hand and seal to the Clerk of the Crown in Chancery, for the issue of a Writ for the Election of a new Member in the place of the Member so resigning, and a Writ shall issue accordingly,—and an entry of the declaration so delivered to the Speaker shall be thereafter made in the Journals of the House;

Seat vacated on such notice.

3. And the Member so tendering his resignation, shall be held to have vacated his seat and cease to be a member of such House.

No member to resign while his seat is contested.

9. But no Member shall so tender his resignation while his election is lawfully contested, nor until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery.

Proceedings when a member wishes to resign, when there is no Speaker, or the member be himself the Speaker.

10. If any Member of the House of Commons wishes to resign his seat in the interval between two Sessions of the Parliament, and there is then no Speaker, or if such Member be himself the Speaker,—he may address and cause to be delivered to any two Members of the House, the declaration before mentioned of his intention to resign; and such two Members upon receiving such declaration shall forthwith address their warrant under their hands and seals to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a Member in the place of the Member so notifying his intention to resign, and such writ, shall issue accordingly:—And the member so tendering his resignation shall be held to have vacated his seat and cease to be a member of the House.

Proceedings in case of vacancy, by death or acceptance of office.

11. If any vacancy happens in the House of Commons by the death of any Member or by his accepting any Office, the Speaker on being informed of such vacancy by any Member

Member of the House in his place,—or by notice in writing under the hands and seals of any two Members of the House,—shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a Member to fill the vacancy, and a new writ shall issue accordingly: **New writ.**

2. And if when such vacancy happens, or at any time thereafter before the Speaker's warrant for a new writ has issued, there be no Speaker of the House, or the Speaker be absent from Canada, or if the Member whose seat is vacated be himself the Speaker,—then, any two Members of the House may address their warrant under their hands and seals to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a Member to fill such vacancy, and such writ shall issue accordingly. **If the speaker is absent from Canada, or there is no Speaker, or the member resigning is the Speaker.**

12. A warrant may issue to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a Member of the House of Commons to fill up any vacancy arising subsequently to a general election and before the first meeting of Parliament thereafter, by reason of the death or acceptance of office of any Member, and such writ may issue at any time after such death or acceptance of office: **Warrant for filling a vacancy before Parliament meets after a general Election.**

2. But the election to be held under such writ, shall not in any manner affect the rights of any person entitled to contest the previous election; and the report of any Election Committee appointed to try such previous election, shall determine whether the Member who has so died or accepted office, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such Member and in favor of any other Candidate, shall avoid the election held under this section, and the Candidate declared duly elected at the previous election shall be entitled to take his seat as if no such subsequent election had been held. **Proviso: saving right of any person to contest. Election Committee to decide &c.**

CAP. XXVI.

An Act to declare certain persons therein mentioned indemnified for having sat and voted as Members of the House of Commons, while holding certain offices under the Crown.

[*Assented to 22nd May*, 1868.]

WHEREAS by the forty-first section of the British North America Act, 1867, it is among other things in effect provided, that until Parliament of Canada otherwise provides, all laws in force in the several Provinces now forming the Dominion of Canada, relative to the qualifications and disqualifications of persons to be elected or to sit and vote as Members of **Preamble. B. N. A. Act recited.**

of the House of Assembly or Legislative Assembly in the several Provinces, and the vacating of seats of Members, and the execution of new writs in case of seats vacated otherwise than by dissolution, shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces; and whereas by the laws in force in the said several Provinces at the time of the passing of the said Imperial Act, persons holding offices of profit or emolument at the nomination of the Crown in the said Provinces respectively, were disqualified from being elected or sitting and voting as Members of the House of Assembly or Legislative Assembly thereof, subject to the exception, that persons holding certain offices and being also Members of the Executive Council of the Province, or holding offices commonly held by Members of such Executive Council, called and known as Ministers of the Crown, might be elected, sit and vote as such Members, if elected after their appointment to such offices; and whereas the several persons hereinafter mentioned while holding the offices also hereinafter mentioned respectively, and being also Members of the Queen's Privy Council for Canada, were elected Members of the House of Commons, that is to say: The Honorable Sir John Alexander Macdonald, K. C. B., while holding the offices of Minister of Justice and Attorney General, was elected Member for the City of Kingston,—the Honorable George Etienne Cartier, while holding the office of Minister of Militia, was elected Member for the electoral district of Montreal East,—the Honorable Samuel Leonard Tilley, C. B., while holding office of Minister of Customs, was elected Member for the City of St. John,—the Honorable Alexander Tilloch Galt, while holding the office of Minister of Finance, was elected Member for the Town of Sherbrooke,—the Honorable William McDougall, C. B., while holding the office of Minister of Public Works, was elected Member for the North Riding of the County of Lanark,—the Honorable William Pearce Howland, C. B., while holding the office of Minister of Inland Revenue, was elected Member for the West Riding of the County of York,—and the Honorable Hector Louis Langevin, while holding the office of Secretary of State of Canada, was elected Member for the County of Dorchester; and the said persons being so elected have since such election, sat and voted in the said House of Commons as Members thereof, while holding the said offices which they still hold respectively, except the Honorable Alexander Tilloch Galt, who after so sitting and voting during a certain time, resigned his said office of Minister of Finance, to which the Honorable John Rose was appointed in his stead, and while holding the said office was elected Member for the County of Huntingdon, and has since his election sat and voted in the said House as a Member thereof; and whereas the said offices, although no salary or emolument was attached to any of them at the time of the acceptance thereof by the persons aforesaid respectively, or at the time of their said election respectively, may yet, by reason of the expectation that salaries

Case of Members of the Dominion Government.

or

or emoluments would be attached to them, be considered as offices of profit under the Crown; and whereas also the said offices, although not literally the same with those as to which it was provided by the Provincial Acts aforesaid or some of them, that persons holding them might, if re-elected after their appointment, sit and vote as Members of the House of Assembly or Legislative Assembly to which such Provincial Acts applied, are yet offices of like nature, and it is consistent with the spirit and intent of the Provincial Laws aforesaid, that persons holding them and being also Members of the Queen's Privy Council for Canada, and responsible Ministers of the Crown, should sit and vote in the House of Commons; and whereas also, the several persons hereinafter mentioned while holding the offices hereinafter mentioned, respectively, and being at the same time Members of Her Majesty's Executive Council for the Province in which they hold such offices, respectively, were elected Members of the House of Commons, that is to say: the Honorable Pierre Joseph Olivier Chauveau, while holding the offices of Secretary and Registrar and Minister of Public Instruction for the Province of Quebec, was elected Member for the County of Quebec,—the Honorable Christopher Dunkin, while holding the office of Treasurer for the said Province, was elected Member for the County of Brome,—the Honorable Joseph Octave Beaubien, while holding the office of Commissioner of Crown Lands for the said Province, was elected Member for the County of Montmagny,—the Honorable Louis Archambault, while holding the office of Commissioner of Agriculture and Public Works for the said Province, was elected Member for the County of L'Assomption,—the Honorable George Irvine, while holding the office of Solicitor General for the said Province, was elected Member for the County of Megantic,—the Honorable John Sandfield Macdonald, while holding the office of Attorney General for the Province of Ontario, was elected Member for the Town of Cornwall,—the Honorable Edmund Burke Wood, while holding the office of Treasurer for the said Province, was elected Member for the North Riding of the County of Brant,—and the Honorable John Carling, while holding the office of Commissioner of Agriculture and Public Works for the said Province, was elected Member for the City of London,—and the said persons being so elected, have, since such election, sat and voted in the said House of Commons as Members thereof; and whereas the said offices, although they are offices of trust and emolument under the Crown, are not offices in or of the Dominion of Canada, or subject to the control of the Government thereof, and it is in no wise inconsistent with the spirit and intent of the laws of the late Province of Canada referred to as aforesaid in the British North America Act of 1867, that the persons holding them should sit and vote in the said House of Commons: and whereas it is expedient to remove all doubts touching the matters aforesaid, and to declare the persons hereinbefore mentioned to have been and to be capable of being elected and of

Case of Members of the Provincial Governments of Ontario and Quebec.

of sitting and voting as Members of the House of Commons, notwithstanding their holding the said offices, and to be indemnified for having so done: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

The several persons mentioned in the Preamble declared capable of sitting and voting and indemnified for having sat and voted.

1. Each of the several persons mentioned in the preamble to this Act is hereby declared to have been and to be capable of being elected and of sitting and voting in the House of Commons as a Member thereof, notwithstanding his having held or holding at the time of his election or of his so sitting and voting, the office mentioned in the preamble as having been or being held by him, and notwithstanding that any salary may heretofore have been paid, or may hereafter be legally attached to the said offices or any of them, provided he was not, and so long as he shall not be, otherwise disqualified; and each of the said persons shall be and is hereby indemnified and exonerated from all liability to any penalty or otherwise for having so sat and voted or for so sitting and voting while not otherwise disqualified as aforesaid.

E. M. McDonald, of Lunenburgh, declared eligible.

2. And whereas Edward Mortimer McDonald, Esquire, after having been elected a Member of the House of Commons for the County of Lunenburgh, in the Province of Nova Scotia, accepted from the Government of that Province the office of Queen's Printer for the same, and has since sat and voted in the House of Commons as a Member thereof, it is hereby declared, that he has been and is capable of so sitting and voting notwithstanding his acceptance of the said office.

CAP. XXVII.

An Act respecting the internal Economy of the House of Commons, and for other purposes.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Speaker and four other Commissioners to carry this Act into effect.

How appointed, &c.

1. The Speaker of the House of Commons for the time being, and any four Members of Her Majesty's Privy Council for Canada, for the time being, who may be appointed by the Governor in Council as Commissioners under this Act, (they and each of them being also Members of the House of Commons,) and the names and offices of whom and their appointment as Commissioners shall be communicated by message from the Governor to the House of Commons in the first week of each Session of Parliament, shall be, and they are hereby nominated, constituted and appointed Commissioners for the purposes of this Act, and any three of the said Commissioners whereof the Speaker

Speaker of the House of Commons for the time being shall be one, shall be and they are hereby authorized to carry this Act into execution. Quorum.

2. An estimate shall annually be prepared by the Clerk of the House of Commons of the sums which will probably be required to be provided by Parliament for the payment of the indemnity and mileage of members, and of salaries, allowances, and contingent expenses of the House, and of the several Officers and Clerks thereof under his direction, and of the Stationery of the House, during the year commencing on the first day of July in each year; and an Estimate shall annually be prepared by the Sergeant at Arms of the House of Commons of the sums which will probably be required to be provided by Parliament for the payment of salaries or allowances of the Messengers, Door keepers and Servants of the House under his direction, and of the contingent expenses under his direction, during the year as above mentioned; and such estimates shall be submitted to the Speaker for his approval and shall be subject to such approval and to such alterations as the Speaker shall consider proper; and the Speaker shall thereupon prepare an estimate of the sums requisite for the several purposes aforesaid, and shall sign the same, and such several estimates of the Clerk, Sergeant-at-Arms and Speaker, shall be transmitted by the Speaker to the Minister of Finance for his approval, and shall be laid severally before the House of Commons with the other estimates for the year.

Estimate to be made by the Clerk.

And by the Sergeant at Arms.

To be submitted to the Speaker.

Speaker to prepare an Estimate.

Estimates to be submitted to Minister of Finance, &c.

3. An estimate shall also annually be prepared by an officer acting for that purpose under the sanction of the Senate and House of Commons, of the sums which will probably be required to be provided by Parliament for the Printing services during the year commencing on the first of July in each year, which shall be transmitted to the Minister of Finance for his approval and shall be laid before Parliament with the other estimates for the year.

Estimate for the joint printing of the Senate and House of Commons.

4. All sums of money voted by Parliament upon such estimates or payable to Members of the House of Commons, under *The Members' Indemnity Act*, shall be paid over to and held by the Minister of Finance subject to the order of the said Commissioners or any three of them, of whom the Speaker shall be one, and shall be paid or transferred to them or their order at any time, and from time to time, in such sums as they may deem requisite.

Sums voted or payable under Members' Indemnity Act, to be subject to order of Commissioners.

5. All the sums mentioned in the next preceding section, shall be paid according to the directions of the Commissioners from time to time, and the Speaker shall appoint an officer for that purpose, who shall be called the Accountant of the House of Commons, and shall take from him such security for the faithful discharge of his duties as the Commissioners shall think

Accountant to be appointed. To give security: his Account.

Advance of money to Accountant, &c.

think fit, and an account shall be opened in one of the banks of this Dominion, in the name of the said Accountant; And the Commissioners hereinbefore mentioned, shall, from time to time, pay or transfer such sums as they shall deem necessary for that purpose, to the credit of the said Accountant, by an order signed by the Speaker and two other of the said Commissioners; and in case of the death or removal from office of any such Accountant, the monies standing to his credit in the account aforesaid, shall be forthwith paid by the said bank to the said Commissioners.

In case of death or removal of Accountant.

As to monies voted for Printing of Parliament.

6. The sums voted by Parliament for the Printing of Parliament shall be paid over to and held by the Minister of Finance, for Printing Services; and for these services an account shall be opened in one of the Banks of Canada, and in such name as the Senate and House of Commons may direct; and such sums as shall be deemed necessary shall be paid or transferred to the name of the person so selected as the work progresses, to be accounted for in the Printing account annual balance sheet.

Surplus monies to be repaid to the Receiver General.

7. In case the sums voted by Parliament shall in any year be more than sufficient to pay and discharge all charges thereon, the Commissioners shall, within six weeks after the end of the Session, after retaining in their hands a sum sufficient to answer all demands in respect of the same, which may be likely to arise before the beginning of the then next Session, pay the surplus to the Receiver General, to the credit of the Consolidated Revenue Fund of Canada.

In case of dissolution, Speaker to act until another is chosen.

Case of death of Speaker, &c. provided for.

8. For the purposes of this Act, the person who shall fill the office of Speaker at the time of any dissolution of Parliament, shall be deemed to be the Speaker until a Speaker shall be chosen by the new Parliament; and in the event of the death, or disability, or absence from Canada of the Speaker, during any dissolution or prorogation of Parliament, any three of the Commissioners may execute any of the purposes of this Act.

Speaker may suspend or remove, as the case may be, any Clerk, Officer or Messenger, guilty of misconduct.

9. If any complaint or representation shall at any time be made to the Speaker for the time being, of the misconduct or unfitness of any Clerk, Officer, Messenger or other person attendant on the House of Commons, now or hereafter to be appointed, it shall be lawful for the said Speaker to cause an enquiry to be made into the conduct or fitness of such person; and if thereupon it shall appear to the Speaker that such person has been guilty of misconduct, or is unfit to hold his situation, the Speaker may, if such Clerk, Officer, Messenger or other person has been appointed by the Crown, suspend him and report such suspension to the Governor, and if he has not been appointed by the Crown then the Speaker may suspend or remove such person, as the case may be, and such person

person shall be so suspended or removed, as the case may be, accordingly.

10. Immediately after the passing of this Act, the Clerk of the House of Commons shall take and subscribe before the Speaker, the oath of allegiance, and all other Officers, Clerks and Messengers of the House of Commons shall take and subscribe before the Clerk of the House of Commons, the oath of Allegiance; and every Officer, Clerk or Messenger who shall hereafter be appointed, shall, before entering upon the duties of his office, take and subscribe the same oath; and the Clerk of the House of Commons shall keep a register of all such oaths. Clerk and other Officers, to take Oath of Allegiance.

11. For the purposes of this Act, all sums payable to Members of the House of Commons under the Members' Indemnity Act, and all sums voted and appropriated in the present Session of Parliament, for payment of salaries, allowances, contingent expenses, and stationery of the House of Commons for the fiscal year ending on the thirtieth day of June, one thousand eight hundred and sixty-eight, and for the fiscal year ended on the thirtieth day of June, one thousand eight hundred and sixty-nine, shall be deemed and taken as having been estimated under the second section of this Act, and shall be subject to the several provisions of this Act in respect of the mode of payment thereof respectively, and of the disposal of any surplus thereof. Provisions respecting the fiscal years 1867-8 and 1868-9.

12. All sums of money which under the eighth section of The Members' Indemnity Act, might heretofore have been advanced to the Clerk of the House of Commons, shall after the passing of this Act, be paid over to the Minister of Finance for the purposes of this Act and shall be subject to the provisions thereof: so much of the seventh or of the ninth section of the said Act, as relates to the Clerk of the House of Commons shall be repealed after the passing of this Act, and the Accountant shall thereafter perform the duties assigned to the Clerk by the said seventh section. Members' Indemnity Act amended, so as to agree with this Act.

CAP. XXVIII.

An Act to amend an Act, intituled: *An Act respecting the Statutes of Canada.*

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The word "thirtieth" in the third line of section three, of an Act passed in the thirty-first year of Her Majesty's reign, chapter Sect. 3, of Cap. 1, 31 Vict., corrected.

chapter one, intituled: *An Act respecting the Statutes of Canada*, shall be expunged, and the word "thirty-first" shall be inserted instead thereof.

CAP. XXIX.

An Act to continue for a limited time the several Acts therein mentioned.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS, it is expedient further to continue the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Act of Prov. of Canada, 28 V. c. 1, continued.

1. The Act of the Parliament of the late Province of Canada, passed in the Session held in the twenty-eighth year of Her Majesty's reign, intituled: *An Act for the prevention and repression of outrages in violation of the Peace on the Frontier of this Province, and for other purposes*, is hereby continued to the first day of January, one thousand eight hundred and sixty-nine, and from thence until the end of the then next ensuing Session of the Parliament of Canada, and no longer.

Acts of the said Province.

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20, continued.

2. The Act of the Parliament of the late Province of Canada, passed in the seventh year of Her Majesty's reign, and intituled: *An Act to repeal an Ordnance of Lower Canada, intituled: An Ordnance concerning Bankrupts, and the administration and distribution of their estates and effects, and to make provision for the same object throughout the Province of Canada*, and the Act amending the same, passed in the ninth year of Her Majesty's reign, and intituled: *An Act to continue and amend the Bankrupt Laws now in force in this Province*, in so far as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's reign, and intituled: *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending*, and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, and intituled: *An Act to afford relief to Bankrupts in certain cases*, shall respectively be and they are hereby continued, and shall remain in force as respects the Provinces of Quebec and Ontario only, until the said first day of January, one thousand eight hundred and sixty-nine, and thence until the end of the next ensuing Session of the Parliament of Canada, and no longer.

3. And whereas certain Provident Institutions or Savings Banks have been established and are now in operation in the Provinces of Quebec and Ontario, under the conditions, privileges, and restrictions made, granted, and imposed by an Act of the Parliament of the late Province of Canada, passed in the Session thereof held in the fourth and fifth years of Her Majesty's reign, intituled: *An Act to encourage the establishment of and regulate Savings Banks in this Province*, and whereas the time thereby fixed for the continuance and operation of such Savings Banks was extended for the period of five years, by an Act of the said Parliament passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's reign, intituled: *An Act to continue for a limited time an Act intituled: An Act to encourage the establishment of and regulate Savings Banks in this Province*, and whereas the time thereby limited for the operations of the said Savings Banks was further extended until the thirtieth day of May, one thousand eight hundred and sixty-two, by an Act of the said Parliament passed in the Session thereof held in the eighteenth year of Her Majesty's reign, intituled: *An Act to regulate Savings Banks and to repeal the Act now in force for that purpose*, and subsequently by the seventieth section of chapter fifty-six of the Consolidated Statutes of Canada; and whereas it is expedient that the operations of the said Savings Banks should be further continued for a limited time: Therefore, the said first cited Act shall continue and remain in force as regards the Savings Banks mentioned in the said seventieth section, until the first day of January, one thousand eight hundred and seventy, and from thence until the end of the next ensuing Session of the Parliament of Canada, and no longer.

Acts of the said Province, 4, 5 V. c. 32.

14, 15 V. c. 55.

18 V. c. 96.

Con. Stat. Can. c. 56, s. 70.

The said Acts continued.

4. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Proviso.

This act not to prevent the effect of any Act of this session.

CAP. XXX.

An Act respecting the commencement of certain Acts of this Session therein mentioned.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Cap. 69, of this session to commence 1st July, 1868.

1. For and notwithstanding anything to the contrary contained in the Act of this present Session of Parliament, intituled: *An Act for the better security of the Crown and of the Government*, the said Act shall commence and take effect on the first day of July, in this year of our Lord one thousand eight hundred and sixty-eight.

Cap. 34, of this session to commence 1st July, 1868.

2. For and notwithstanding anything to the contrary contained in the Act of this present Session of Parliament, intituled: *An Act respecting the Civil Service of Canada*, the said last mentioned Act shall commence and take effect on the first day of July, in this year of our Lord one thousand eight hundred and sixty-eight.

CAP. XXXI.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the thirtieth day of June, 1868, and the thirtieth day of June, 1869, and for other purposes relating to the Public Service.

[*Assented to 22nd May*, 1868.]

MOST GRACIOUS SOVEREIGN—

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Charles Stanley Viscount Monck, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned, are required to defray certain expenses of the Public Service of the Dominion, not otherwise provided for, for the financial years ending respectively on the thirtieth day of June, one thousand eight hundred and sixty-eight, and the thirtieth day of June, one thousand eight hundred and sixty-nine, and other purposes connected with the Public Service : May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by

by and with the advice and consent of the Senate and House of Commons of Canada, that—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole seven million, five hundred and two thousand, eight hundred and seventy-four dollars and four cents, towards defraying the several charges and expenses of the Public Service of the Dominion, from the first day of July, in the year of our Lord one thousand eight hundred and sixty-seven, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and sixty-eight, not otherwise provided for, and set forth in the Schedule A to this Act, and for the other purposes in the said Schedule mentioned.

$7,502,874 04 appropriated for certain expenses in 1867-8.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole seven million, nine hundred and one thousand, eight hundred and fifty-five dollars and one cent, towards defraying the several charges and expenses of the Public Service of the Dominion, from the first day of July, in the year of our Lord one thousand eight hundred and sixty-eight, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and sixty-nine, not otherwise provided for, and set forth in the Schedule B to this Act, and for the other purposes in the said Schedule mentioned.

$7,901,855 01 appropriated for certain expenses in 1868-9.

3. The amount of such sums of money as may have been paid in the present financial year 1867–8, for or on account of any of the services mentioned in Schedule A to this Act, out of the sum of five millions, two hundred and sixty-four thousand, two hundred and seventy-nine dollars, granted by Parliament, by the Act passed in the present Session, chapter four, towards defraying the expenses of the Public Service of the Dominion, not otherwise provided for, from the first day of July, in the year of our Lord one thousand eight hundred and sixty-seven, to the thirty-first day of March, in the year of our Lord one thousand eight hundred and sixty-eight, shall be charged as having been paid out of the sums granted for such services by this Act, and any balance of the said grant, after deducting the amount so expended and accounted for in the Public Accounts laid before the House of Commons, as provided in the said Act, up to the day last aforesaid, shall be cancelled and returned to the Consolidated Revenue Fund.

Any balance remaining of vote of credit under 31 Vic. c. 4, to be returned to Consolidated Revenue Fund.

4. The Governor in Council may authorize the raising of a sum of money not exceeding six million dollars, upon the credit of the Consolidated Revenue Fund of Canada, and to be a charge upon the same, but subject to the several preferential payments by the British North America Act, 1867, and by the first section of the Act of the Parliament of Canada, passed in the present Session, and intituled: *An Act respecting the Consolidated Revenue Fund*, charged on the Consolidated Revenue Fund

Governor in Council may authorize the raising of money on the Credit of the Consolidated Revenue Fund to the amount of $6,000,000.

How such loan shall rank on the said Fund.

Fund of Canada, and as a subsequent charge next after those specified in the said first section of the Act last mentioned, and in the Act passed in the present Session, and intituled : *An Act to make provision for defraying the expense of certain works of fortification required for the defense of the Dominion*, (and to be in addition to the Public Debt of Canada, as constituted by the one hundred and eleventh section of the British North America Act, 1867,) and the Governor in Council may authorize the raising of such sum by any of the methods following, or partly by one and partly by another or others of such methods, that is to say : by the issue, or issue and sale of Stock, or of Debentures or of Exchequer Bills, or Exchequer Bonds, or by the granting of Terminable Annuities ; any of which said securities shall be in such form and be made payable for such sums and bearing such rate of interest not exceeding six per centum per annum, and for or redeemable at such periods of time respectively, as the Governor in Council may deem expedient ; and such provisions may be made for the creation of a sinking fund for the repayment of the said loan, and for the management thereof, as the Governor in Council may think proper to make ; and all sums of money so raised, shall form part of the Consolidated Revenue Fund of Canada.

On what securities to be raised.

Accounts to be laid before Parliament.

5. A detailed account of the moneys expended under the authority of this Act, shall be laid before the House of Commons during the first fifteen days of the Session of Parliament next after such expenditure.

SCHEDULE

SCHEDULE A.

SUMS granted to Her Majesty by this Act, for the Financial Year 1867-8, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	$ cts.	$ cts.
Lieutenant-Governors of the Provinces	30,000 00	
Additional to late Governors New Brunswick and Nova Scotia	4,957 80	
Governor's Secretary's Office	8,370 00	
Department of Privy Council	17,170 00	
Department of Justice	10,073 32	
Department of Militia	19,750 00	
Department of Secretary of State for Canada	35,090 45	
Department of Secretary of State for the Provinces	13,070 00	
Department of Finance	38,626 65	
Department of Receiver General	20,570 00	
Department of Customs	23,000 00	
Department of Inland Revenue	13,386 19	
Department of Public Works	38,611 66	
Department of Post Office	45,334 99	
Department of Agriculture, Immigration and Statistics	18,466 00	
Department of Marine and Fisheries	15,068 07	
Total Salaries	351,545 13	
Dominion Offices, Nova Scotia	11,500 00	
Dominion Offices, New Brunswick	5,725 00	
Departmental Contingencies	187,733 00	
Arrears of 1867, chargeable against the late Province of Canada	12,786 59	
Total Civil Government		569,289 72
ADMINISTRATION OF JUSTICE.		
Circuit allowances and contingent expenses, Ontario	13,000 00	
Do do Quebec	12,000 00	
Do do Nova Scotia	1,650 00	
Do do New Brunswick	2,000 00	
Allowance to Judges swearing in Governor General	500 00	
Secret and Detective service	50,000 00	
Arrears of 1867	13,937 13	
Total Administration of Justice		93,087 13
RIVER POLICE.		
Montreal (whereof, $3,700 chargeable against Harbor Commissioners)	16,100 00	
Quebec	16,100 00	
Total River Police		32,200 00
Carried forward		694,576 85

SCHEDULE

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward..........	....	694,576 85
PENITENTIARIES AND PRISON INSPECTORS.		
Penitentiary, Kingston..........................	130,561 26	
Criminal Lunatic Asylum..........................	56,185 66	
Penitentiary, Nova Scotia..........................	16,500 00	
Do New Brunswick..........................	8,200 00	
Prison Inspection..........................	10,800 00	
Total Penitentiaries and Prison Inspection......	....	222,246 92
LEGISLATION.		
Senate, Salaries and Contingencies..................	68,458 63	
House of Commons, Salaries and Contingencies........	200,740 00	
Election Expenses of Members for Nova Scotia........	909 82	
Printing, Binding and Distributing Statutes..........	20,000 00	
Miscellaneous Printing of Government Documents.....	2,000 00	
Salary and Contingencies of Clerk of the Crown in Chancery..........................	3,180 00	
Grant to Parliamentary Library....................	4,000 00	
Consolidation of Criminal Laws....................	1,000 00	
Grant to Ottawa and Prescott Railway for Extra Trains during the Session..........................	1,800 00	
Additional on account of Printing..................	10,000 00	
Do Mileage to Members	1,500 00	
Do Expenses of Committees....	2,000 00	
Total Legislation..........................	....	315,588 45
LITERARY AND SCIENTIFIC INSTITUTIONS.		
Observatory, Toronto..........................	4,800 00	
Do Quebec..........................	2,450 00	
Do Kingston..........................	500 00	
Do Montreal..........................	500 00	
Total Literary and Scientific Institutions........	....	8,250 00
ARTS, AGRICULTURE AND STATISTICS.		
Expenses connected with organization of Patent Office.	2,000 00	
Registration Department, Nova Scotia..............	5,185 00	
Registration, Quebec..........................	650 00	
Total Arts, Agriculture and Statistics..........	....	7,835 00
Carried forward..........	....	1,248,497 22

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward....................	....	1,248,497 22
IMMIGRATION & QUARANTINE.		
Salaries and Contingencies of Immigration Office......	34,500 00	
Expenses of Quarantine, Quebec....................	18,500 00	
Quarantine Expenses, Halifax.......................	3,000 00	
Do St. John.....................	4,000 00	
Total Immigration and Quarantine..............	....	60,000 00
HOSPITALS AND CHARITIES.		
Marine and Emigrant Hospital Quebec...............	21,958 00	
Marine Hospitals, St. John, St. Andrew's and other Ports, N. B.....................	9,000 00	
Maintenance of Sick and Disabled Seamen sent to the General Hospital, Nova Scotia..................	5,000 00	
Shipwrecked and Distressed Seamen.................	1,500 00	
Humane Establishments, Sable and Seal Islands.......	8,120 00	
Arrears of 1867..................................	2,022 37	
Total Hospitals and Charities..................	....	47,600 37
MILITIA AND GUNBOATS.		
ORDINARY EXPENDITURE.		
Departmental Salaries..............................	31,940 00	
Contingent and Incidental Expenses.................	38,000 00	
Compensation for accidents at drill................	2,000 00	
Ammunition...	17,500 00	
Drill Sheds and Rifle ranges, payable in 1867-8 or in 1868-9..	100,000 00	
Improved Fire Arms..................................	43,000 00	
Military Schools....................................	100,000 00	
Public Armouries and Care of Arms..................	35,000 00	
Clothing..	75,000 00	
Clothing allowances.................................	2,500 00	
Brigade Majors......................................	18,000 00	
Drill Instructors...................................	40,000 00	
Efficient Volunteer Corps...........................	5,000 00	
Annual drill pay for the year 1867-8, but payable in 1867-8 or 1868-9..............................	218,000 00	
General services of Militia.........................	20,000 00	
Militia services, Nova Scotia.......................	140,000 00	
Do New Brunswick.....................	80,000 00	
MISCELLANEOUS.	965,940 00	
Pay of Volunteers for Dominion Day Review..........	18,000 00	
To cover the payment for Stores furnished by the Imperial Government before the 1st July, 1867......	180,000 00	
Carried forward....................	....	1,356,097 59

SCHEDULE

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward..........	....	1,356,097 59
MITITIA AND GUNBOATS—*Continued.*		
MISCELLANEOUS—*Continued.*		
To pay for Barrack fitments made by the Royal Engineers..........	120,000 00	
For Barrack accommodation, including Rents, Insurance and fitments, made by the Dominion.......	80,000 00	
For 3,000,000 rounds of Ball Ammunition for the new Snider Enfields..........	72,000 00	
Arrears of 1867..........	23,314 36	
	1,459,254 36	
GUNBOATS.		
Gunboat service..........	25,000 00	
Total Militia and Gunboats..........	....	1,484,254 36
PENSIONS.		
PENSIONS, ONTARIO AND QUEBEC.		
Saml. Waller, late Clerk H. of Assembly..........	400 00	
L. Gagné, Messenger, do	72 00	
John Bright, do do	80 00	
Mrs. Antrobus..........	800 00	
P. Bouchard, for wounds received..........	100 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern and 5 children..........	319 00	
Jane Lakey..........	146 00	
Rhoda Smith..........	110 00	
Janet Alderson..........	110 00	
Mary McKenzie..........	80 00	
Mary A. Richey and 3 children..........	192 00	
Mary Morrison..........	80 00	
Louise Prudhomme and 2 children..........	130 00	
Virginie Charron and 4 children..........	37 50	
Paul M. Robins..........	146 00	
Chs. Thos. Bell..........	73 00	
A. M. Oliphant..........	109 50	
Charles Lugden..........	91 24	
John White..........	109 50	
Thos. Charters..........	91 24	
Samuel McCrag..........	109 50	
Charles Thos. Robertson..........	110 00	
Percy Gore Routh..........	400 00	
Richard Launders King..........	400 00	
Carried forward..........	....	2,840,351 95

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		2,840,351 95
NEW MILITIA PENSIONS—*Continued.*		
Geo. Allen McKenzie	73 00	
Edwin Hilder	146 00	
Fergus Scholfield	73 00	
John Bradley	109 50	
Richd. Pentecost	91 24	
John Cole	109 50	
Geo. Prentice	400 00	
George Elliott	73 00	
James Bryan	109 50	
Jacob Stubbs	73 00	
Mary D. Connor	110 00	
Mary Hodgins and 3 children	191 00	
John Martin	110 00	
Gratuities	500 00	
Additional claims for pensions and gratuities now before Government	8,500 00	
PENSIONS NEW BRUNSWICK.		
Military pensions	700 00	
COMPENSATION TO PENSIONERS IN LIEU OF LAND	9,450 00	
Total Pensions		25,115 22
PUBLIC WORKS.		
RAILWAYS.		
Towards construction of Railway between Halifax, Truro and Windsor, and between Truro and Pictou	280,500 00	
Construction of Railway between Halifax and Pictou	200,000 00	
Construction of Railway between Windsor and Annapolis	300,000 00	
Construction European and N. A. Railway	31,750 00	
To meet Stock in Western Extension	180,000 00	
To meet subsidy to do	150,000 00	
To meet subsidies, other lines, N. B. (27 Vic., c. 3.)	141,000 00	
Towards location of Intercolonial Railway	50,000 00	
CANALS	105,805 31	
HARBOURS.		
Harbours, Lake Huron	8,000 00	
SLIDES AND BOOMS	7,000 00	
Carried forward		2,865,467 17

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		2,865,467 17
Public Buildings.		
Parliament and Departmental Buildings, Ottawa	55,000 00	
Rideau Hall, including purchase of property and furniture	60,000 00	
For Public Buildings generally	3,000 00	
Light Houses	42,000 00	
Roads and Bridges	15,500 00	
Arbitrations and awards	65,000 00	
Rents and repairs of Public Buildings	58,000 00	
Miscellaneous.		
For purchase of land for construction of Hospital and Quarantine Station at Halifax	10,000 00	
Surveys and Inspections	7,000 00	
Miscellaneous charges in respect of Public Works not otherwise provided for	10,000 00	
Arrears of 1867	6,720 75	
Total Public Works		1,786,276 06
LIGHT HOUSES AND COAST SERVICE.		
Trinity House, Quebec	46,739 00	
Trinity House, Montreal	26,000 00	
Maintenance of Light Houses above Montreal	43,000 00	
Guides to Travellers on Kempt Road	400 00	
Light Houses, Buoys, Beacons and Signal Stations, Nova Scotia	52,200 00	
Light Houses, Buoys, Beacons and Signal Stations, New Brunswick	20,600 00	
Arrears of 1867	3,562 55	
Total Light Houses and Coast Service		192,501 55
OCEAN AND RIVER STEAM SERVICE.		
Tug Service between Montreal and Kingston	12,100 00	
Maintenance and Repairs of Dominion Steamers	101,000 00	
Subsidies to Steamers between Prince Edward Island and Port Hood	1,600 00	
Subsidies to Steamers between Windsor, St. John, Digby and Annapolis	4,000 00	
Subsidies to Steamers between Halifax and Newfoundland	1,500 00	
Carried forward		4,844,244 78

SCHEDULE

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward............	....	4,844,244 78
OCEAN AND RIVER STEAM SERVICE—*Continued.*		
Subsidies to Steamers between Pictou and Magdalen Islands....................................	400 00	
Subsidies to Steamers between New Brunswick and Prince Edward Island.........................	1,000 00	
Subsidies to Steamers between Quebec and Maritime Provinces..................................	15,000 00	
Total Ocean and River Service..................	....	136,600 00
FISHERIES.		
Expenses of Schooner *La Canadienne*.................	7,755 00	
Salaries and Expenses of Overseers, Ontario...........	6,000 00	
Do do Quebec...........	6,000 00	
Building Fishways and formation of Oyster Beds.......	1,000 00	
Fine remitted by O. C., February 29..................	40 00	
Salaries and Expenses of Overseers, Nova Scotia and New Brunswick..............................	5,500 00	
Fishery Bounties for 1867............................	7,002 50	
Arrears of 1867......................................	5,466 37	
Total Fisheries......................................	....	38,763 87
INDEMNITIES UNDER SEIGNIORIAL ACTS.		
Expenses of Seigniorial Commission..................	4,526 84	
Amount due to June 30, 1867, including the Indemnities for the year ending Dec. 31, 1867..........	140,121 63	
Total Seigniorial....................................	....	144,648 47
INDIANS.		
New Indian Annuities, Ontario........................	4,400 00	
Annual grant to Indians, Quebec......................	400 00	
For blankets to Indians, do	1,100 00	
Indians, Nova Scotia.................................	1,300 00	
Do New Brunswick..............................	1,200 00	
Total Indians..	....	8,400 00
CULLING TIMBER.		
Salaries and expenses of Supervisor's office, and fees of Cullers..	....	70,500 00
Carried forward............	....	5,243,157 12

SCHEDULE

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		5,243,157 12
RAILWAY AND STEAMBOAT INSPECTION.		
Railway Inspection	3,550 00	
Steamboat Inspection	8,000 00	
Arrears of 1867	592 00	
Total Railway and Steamboat Inspection		12,142 00
MISCELLANEOUS.		
Unforeseen expenses	20,000 00	
Gratuities granted to widows of Civil Servants to March 15	2,207 33	
To pay lessees of Erie and Ontario Railroad for damage to track during Fenian raid, 1866	2,800 00	
Indemnity to H. Hurley for property burned by Fenians in 1866	200 00	
Claims for compensation for damages by Fenians before Government	725 86	
Miscellaneous Printing	5,000 00	
Advertising and subscription to Canada *Gazette*	8,000 00	
Postages for do	1,200 00	
Shipping Master's Office, Quebec	1,200 00	
Arrears of 1867	9,035 23	
		50,368 42
COLLECTION OF REVENUES.		
Customs	520,016 00	
Do Arrears of 1867	41,622 21	
Inland Revenue	114,434 74	
Post Office	735,000 00	
Do Arrears of 1867	35,391 06	
Public Works	730,742 49	
Minor Revenues	20,000 00	
Total Collection of Revenue		2,197,206 50
Total		7,502,874 04

SCHEDULE

SCHEDULE B.

Sums granted to Her Majesty by this Act, for the Financial Year 1868-9, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CIVIL GOVERNMENT.		
Lieutenant Governors of the Provinces..............	30,000 00	
Total Salaries and Contingencies of the Departments of Civil Government, to be distributed under the provisions of the Civil Service and Contingencies Acts..............	550,000 00	
Total Salaries and Contingencies of the Local Branches of the several Departments of Civil Government at Halifax and St. John, to be distributed under the provisions of the Civil Service and Contingencies Acts..............	22,700 00	
Total Civil Government..............	....	602,700 00
ADMINISTRATION OF JUSTICE.		
To enable additions to be made to the Salaries of certain Judges in Nova Scotia and New Brunswick, for the year 1868-9..............	8,000 00	
Circuit allowances and contingent expenses, Ontario.	13,000 00	
Do. Quebec..............	12,000 00	
Do. Nova Scotia..............	1,600 00	
Do. New Brunswick..............	2,000 00	
Secret and Detective Service..............	75,000 00	
Frontier and other Police..............	25,000 00	
Harbour, River and Government Police, Quebec and Montreal..............	30,000 00	
Miscellaneous Charges of Justice..............	10,000 00	
Total Administration of Justice..............	....	176,600 00
PENITENTIARIES.		
Penitentiary..............	136,471 55	
General Lunatic Asylum..............	50,861 68	
Penitentiary, Nova Scotia..............	20,000 00	
Do, New Brunswick..............	30,000 00	
Directors of Penitentiaries..............	8,400 00	
Total Penitentiaries..............	....	245,733 23
LEGISLATION.		
Senate, Salaries and Contingencies..............	67,533 63	
House of Commons, Salaries and Contingencies..............	201,490 00	
Printing and binding Statutes..............	20,000 00	
Carried forward..............	289,023 63	1,025,033 23

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	289,023 63	1,025,033 23
LEGISLATION.—*Continued.*		
Salary and Contingencies of Clerk of Crown in Chancery	2,120 00	
Grant to Parliamentary Library	6,000 00	
Miscellaneous printing	2,000 00	
Total Legislation		299,143 63
SCIENTIFIC INSTITUTIONS.		
Observatory, Quebec	2,450 00	
Do. Toronto	4,800 00	
Do. Kingston	500 00	
Do. Montreal	500 00	
Observatories, Nova Scotia and New Brunswick	1,500 00	
Total Scientific Institutions		9,750 00
ARTS, AGRICULTURE AND STATISTICS.		
Expenses in connection with preparation for the Census	4,000 00	
Sir W. E. Logan, to refund to him price of Geological Collection sold at Paris	500 00	
Expenses of Collecting Statistics of Births, Marriages and Deaths	2,500 00	
Total Arts, Agriculture & Statistics		7,000 00
IMMIGRATION AND QUARANTINE.		
Salaries and Contingencies of Immigration Office, Quebec	14,750 00	
Quarantine, Quebec	15,055 00	
Expenses of Quarantine, Halifax and St. John	7,000 00	
Total Immigration and Quarantine		36,805 00
MILITIA AND GUNBOATS.		
Salaries of Military Branch and District Staff	54,000 00	
Do. Brigade Majors	25,000 00	
Do. Drill Instructors	50,000 00	
Military Schools	120,000 00	
Ammunition	50,000 00	
Clothing (annual rate)	75,000 00	
Military Stores (annual rate)	55,000 00	
Public Armouries and care of arms	50,000 00	
Drill pay and Camp purposes, and other incidental expenses connected with drill and training of Militia	327,000 00	
Carried forward	806,000 00	1,377,731 86

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	806,000 00	1,377,731 86
MILITIA AND GUNBOATS.—*Continued.*		
Taking the enrolment, ballot and other unforeseen expenses of the Regular Militia	65,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations	53,000 00	
Barrack accommodation, rent, &c.	80,000 00	
Military survey	2,607 00	
Targets	10,000 00	
Gunboats	25,000 00	
Total Militia and Gunboats		1,041,607 00
PENSIONS.		
Saml. Waller, late Clerk, House of Assembly	400 00	
L. Gagné, Messenger, House of Assembly	72 00	
John Bright, Messenger, House of Assembly	80 00	
Mrs. Antrobus	800 00	
P. Bouchard, for wounds received	100 00	
New Militia Pensions.		
Caroline McEachern and five children	319 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Mary McKenzie	80 00	
Mary A. Richey and three children	192 00	
Mary Morison	80 00	
Louise Prudhomme and two children	130 00	
Virginie Charon and four children	37 50	
Paul M. Robins	146 00	
Chs. Thos. Bell	73 00	
A. M. Oliphant	109 50	
Charles Lugden	91 24	
John White	109 50	
Thos. Charters	91 24	
Samuel McCrag	109 50	
Charles Thos. Robertson	110 00	
Percy Gore Routh	400 00	
Rich. Launders King	400 00	
Geo. Allen McKenzie	73 00	
Edward Hilder	146 00	
Fergus Scholfield	73 00	
John Bradley	109 50	
Richard Pentecost	91 24	
John Cole	109 50	
George Prentice	400 00	
George Elliott	73 00	
James Bryan	109 50	
Jacob Stubbs	73 00	
Mary D. Connor	110 00	
Carried forward	5,664 22	2,419,338 86

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward...............	5,664 22	2,419,338 86
New Militia Pensions.—Continued.		
Mary Hodgins and three children....................	191 00	
John Martin....................................	110 00	
Additional claims, before Council..................	1,810 00	
Compensation to Pensioners in lieu of land...........	9,450 00	
Total Pensions..................	....	17,225 22
PUBLIC WORKS.		
RAILWAYS.		
Stock, Western Extension, European and North American Railway....................................	120,000 00	
Subsidy, Windsor and Annapolis R. R...............	500,000 00	
Do. Western Extension, E. & N. A. R. R.........	500,000 00	
Do. Eastern do do	290,000 00	
Do. Fredericton Branch......................	215,000 00	
Do. Woodstock Branch........................	50,000 00	
Halifax, Truro and Pictou Railway..................	80,000 00	
European and N. American Railway..................	20,000 00	
Intercolonial Railway Survey.......................	75,000 00	
CANALS..	223,000 00	
PUBLIC BUILDINGS.		
Parliament and Departmental Buildings..............	100,000 00	
Rideau Hall......................................	107,000 00	
Public Buildings generally........................	25,000 00	
HARBORS, PIERS AND LIGHT HOUSES..................	120,000 00	
ROADS AND BRIDGES	6,000 00	
SLIDES AND BOOMS..................................	15,000 00	
RENTS AND REPAIRS OF PULLIC WORKS AND BUILDINGS.....	80,500 00	
SURVEYS AND INSPECTIONS...........................	15,000 00	
ARBITRATIONS AND AWARDS..........................	14,000 00	
Miscellaneous charges not otherwise provided for.....	10,000 00	
Total Public Works...............	....	2,565,500 00
OCEAN AND RIVER STEAM SERVICE.		
Tug service between Montreal and Kingston..........	12,100 00	
Carried forward..............	12,100 00	5,002,064 08

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward..................	12,100 00	5,002,064 08
OCEAN AND RIVER STEAM SERVICE.—*Continued.*		
DOMINION STEAMERS.		
Maintenance and repairs of Steamers, Quebec.........	60,000 00	
Maintenance of Steamer "Druid," Halifax, and Charter of "Piscator"...................................	24,000 00	
STEAM COMMUNICATION, N. S. AND N. B.		
Between P. E. Island and Port Hood.................	1,600 00	
Halifax and St. John........................	10,000 00	
Windsor and St. John, Digby and Annapolis..	4,000 00	
Halifax and Newfoundland..................	1,500 00	
Pictou and Magdalen Islands................	400 00	
New Brunswick and Prince Edward Island....	1,000 00	
Quebec and Maritime Provinces.............	15,000 00	
Total Ocean and River Steam Service..	....	129,600 00
LIGHT HOUSES AND COAST SERVICE.		
Trinity House, Quebec..............................	41,752 00	
Do. Montreal..............................	26,000 00	
Maintenance of Light Houses above Montreal.........	43,000 00	
Guides to Travellers, Kempt Road..................	400 00	
Light Houses, New Brunswick.......................	19,000 00	
Light Houses, Nova Scotia..........................	56,500 00	
Buoys, Beacons & Signal Stations, N. S	2,200 00	
Do. do. N. B	4,650 00	
Humane establishments, Sable and Seal Islands.......	8,120 00	
Cape Race Light....................................	3,000 00	
Total Light Houses, &c.............	....	204,622 00
MARINE HOSPITALS, &c.		
Marine Hospital, Quebec............................	20,000 00	
Do. St. Johns, St. Andrews and other ports.	9,500 00	
Maintenance of Sick and Disabled Seamen sent to General Hospital, Halifax.........................	5,000 00	
Shipwrecked and Distressed Seamen................	2,500 00	
Total, Marine Hospitals, &c...........	....	37,000 00
FISHERIES.		
Expenses of Schooner "La Canadienne".............	10,800 00	
Salaries and Disbursements of Fishery Overseers, Ontario and Quebec................................	12,000 00	
Carried forward................	22,800 00	5,373,286 08

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward............	22,800 00	5,373,286 08
FISHERIES.—*Continued.*		
Fishways and Oyster Beds..........................	4,000 00	
Salaries and Disbursements of Fishery Overseers, Nova Scotia and New Brunswick....................	10,000 00	
Total Fisheries...................	....	36,800 00
CULLING TIMBER.		
Salaries and Contingencies of Culler's Office..............	....	75,000 00
RAILWAY AND STEAMBOAT INSPECTION.		
Railways, Salaries and Contingencies................	3,550 00	
Steamboats do	8,000 00	
Total Railway and Steamboat Inspection........	....	11,550 00
SEIGNIORIAL INDEMNITIES.		
Expenses of Seigniorial Commission.................	....	6,000 00
INDIANS.		
New Indian Annuities, Ontario.........................	4,400 00	
Annual Grant to Indians, Quebec.....................	400 00	
Do do Nova Scotia................	1,300 00	
Do do New Brunswick.............	1,200 00	
To purchase blankets for aged and infirm Indians, Ontario and Quebec...........................	1,100 00	
Total Indians......................	....	8,400 00
MISCELLANEOUS.		
Unforeseen expenses; expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament during the first fifteen days of the next Session........................	100,000 00	
Miscellaneous printing..........................	5,000 00	
Advertising and subscription to *Canada Gazette*........	8,000 00	
Postages of do................................	1,200 00	
Shipping Master's Office, Quebec.....................	1,200 00	
Expenses connected with Confederation and Imperial legislation thereon...........................	93,912 44	
Towards cost of Confederation Medal................	2,000 00	
Total Miscellaneous................	....	211,312 44
Carried forward............	....	5,722,348 52

SCHEDULE

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward............	....	5,722,348 52
COLLECTION OF REVENUES.		
Salaries and Contingencies of Customs, to be distributed in accordance with the provisions of the Civil Service Act............	488,261 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy and Officers' Mess, to be apportioned by Order in Council............	75,000 00	
		563,261 00
Inland Revenue, Salaries of permanent officers, to be distributed in accordance with the provisions of the Civil Service Act............	109,000 00	
Do travelling and other contingent expenses.......	49,550 00	
		158,550 00
Post Office............	....	751,000 00
Public Works, Maintenance and Repairs, Ontario and Quebec............	329,695 49	
Do Nova Scotia............	240,000 00	
Do New Brunswick............	125,000 00	
		694,695 49
Minor Revenues............	....	12,000 00
Total............	....	7,901, 855 01

CAP. XXXII.

An Act respecting the Consolidated Revenue Fund.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

What moneys shall form part of the said Fund.

Charges thereon.

1. All Duties and Revenue over which the respective Legislatures of the late Province of Canada, Nova Scotia and New Brunswick, before and at the time of the passing of the British North America Act, 1867, had, and over which the Parliament of Canada now has the power of appropriation, shall form and are hereby declared to have formed since the Union, one Consolidated Revenue Fund to be appropriated for the public service of Canada, in the manner and subject to the charges hereinafter mentioned, and in the following order, that is to say:

First. Collection, &c.

Firstly.—The costs, charges and expenses incident to the collection, management and receipt thereof, subject to be reviewed and audited in such manner as is now or may hereafter be by law provided;

Second. Public debt.

Secondly.—The annual interest of the Public Debts of the several Provinces of Canada, Nova Scotia and New Brunswick, at the Union;

Third.

Thirdly.—The Salary of the Governor General;

Fourth. Intercolonial Railway.

Fourthly.—The Principal and Interest at a rate not exceeding four per cent. per annum of the Loan of three million pounds sterling, to be raised for the purpose of constructing the Intercolonial Railway, under the provisions of an Act of the present Session of the Parliament of Canada, Chapter thirteen, upon the guarantee of the payment of Interest on such loan at a rate not exceeding four per centum per annum by the Commissioners of Her Majesty's Treasury, or the principal and interest at a like rate of such part of the said loan as may be raised;

Fifth. Sinking Fund.

Fifthly.—An annual sum at the rate of one per centum per annum, as a Sinking Fund on the entire amount of principal money of the loan herein last before mentioned;

Sixth. Advance for same.

Sixthly.—Any sum which shall be issued out of the Consolidated Fund of the United Kingdom under the Canada Railway Loan Act, 1867, with the interest thereon at the rate of five per centum per annum;

Seventhly

Seventhly.—The sum of one million pounds sterling, which, by the thirty-second section of the Act of the present session of the Parliament of Canada, chapter thirteen, the Government of Canada is empowered to raise for the completion of the Intercolonial Railway, but without the guarantee of the Commissioners of Her Majesty's Treasury, and interest thereon. Seventh. Loan for same.

2. The Governor in Council may, from time to time, make such regulations as he deems necessary for the management of the Public Debt of the Dominion and the payment of the interest thereon, and may provide for the creation and management of a Sinking Fund or other means of securing the re-payment of any loans that may be raised under the authority of Parliament, and may appoint one or more fiscal agents of the Dominion in the City of London or elsewhere, and agree with them as to the rate of compensation to be allowed them for negotiating loans and for paying the interest on the Public Debt and for other services connected with the management of the said debt, and may pay the sums necessary to provide such Sinking Fund or other means as aforesaid, and such compensation, out of the Consolidated Revenue Fund. Governor in Council to make regulations as to the debt and payment of interest. Fiscal agent, &c.

3. The Grants payable to the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, under the one hundred and eighteenth section of the British North America Act, 1867, and the allowance payable to New Brunswick under the one hundred and nineteenth section of the said Act, shall be charged upon the Consolidated Revenue Fund of Canada, and payable out of any unappropriated moneys forming part thereof. Grants to the Provinces to be a charge on the Fund.

4. The Public Accounts of the Dominion shall be kept by double entry in the Offices of the Receiver General and of the Minister of Finance; and an annual statement shall be prepared as soon as possible after the termination of each fiscal year exhibiting the state of the Public Debt and the amount chargeable against each of the Public Works for which any part of the debt has been contracted; also the state of the Consolidated Revenue Fund and of the various Trusts and special Funds under the management of the Government of the Dominion, and such other accounts and matters as may be required to shew what the liabilities and assets of the Dominion really are at the date of such statement. Public accounts how to be kept. Annual statement and what it shall shew.

CAP.

CAP. XXXIII.

An Act respecting the Governor General, the Civil List, and the Salaries of certain Public Functionaries.

[*Assented to 22nd May,* 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Governor General to be a corporation sole.

1. The Governor General of Canada for the time being, or other Chief Executive Officer or Administrator carrying on the Government of Canada, on behalf and in the name of the Queen, by whatever title he is designated, and his successors, shall be a Corporation sole ;—and all bonds, recognizances and other instruments by law required to be taken to him in his public capacity, shall be taken to him and his successors by his name of office, and may be sued for and recovered by him or his successors by his or their name of office as such ; and the same shall not in any case go to or vest in the personal representatives of the Governor General, Chief Executive Officer or Administrator of the Government in whose name they were so taken.

Sums mentioned in the Schedule to this Act, to be payable without an annual vote.

2. Inasmuch as it is not expedient that the payment of the salaries of the Ministers composing the Queen's Privy Council for Canada, or of the salaries and pensions of the Judges of the Courts hereinafter mentioned, or of the other sums mentioned in the several Schedules hereunto annexed, should depend upon the annual vote of Parliament : therefore—there shall be payable yearly, and *pro rata* for any less period than a year, the salaries, allowances, grants and sums of money mentioned in the Schedules annexed to this Act, to the persons and for the purposes therein specified, and the same shall be payable out of any unappropriated monies forming part of the Consolidated Revenue Fund of Canada.

Retiring allowance to Judges.

3. In case any Chancellor or Vice Chancellor of the Court of Chancery, or any Chief Justice or Judge of the Court of Queen's Bench or of the Court of Common Pleas, in the Province of Ontario,—or of the Court of Queen's Bench or of the Superior Court in the Province of Quebec,—or of the Supreme Court of the Province of Nova Scotia,—or of the Supreme Court of the Province of New Brunswick,—or any Judge of the Court of Vice Admiralty in any of the said Provinces,—has continued in the Office of Judge of one or more of the Superior Courts of Law or Equity or of the Court of Vice-Admiralty, in any one of the said Provinces for fifteen years or upwards, or becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, then, in case such Judge resigns his office, Her Majesty may, by letters patent under

In what cases H. M. may grant it.

under the Great Seal of Canada, reciting such period of office or permanent infirmity, grant unto such Chancellor, Vice Chancellor or Judge an annuity equal to two thirds of the salary annexed to the office he held at the time of his resignation, to commence immediately after his resignation, and to continue thenceforth during his natural life, and to be payable *pro rata* for any period less than a year, during such continuance, out of any unappropriated monies forming part of the Consolidated Revenue Fund of Canada.

When the foregoing provisions shall take effect.

4. The foregoing provisions of this Act, so far as they relate to the salaries and retiring allowances of Judges and to Indian annuities, shall take effect on and after the first day of July, in the present year of Our Lord one thousand eight hundred and sixty-eight, from and after which day no further payment shall be made under the authority of chapter ten of the Consolidated Statutes of the late Province of Canada, nor shall any salary, retiring allowance or pension, or travelling allowance be payable under any authority whatever to any Chancellor, Vice Chancellor, Chief Justice or Judge, except only such as are herein allowed, confirmed and declared payable.

SCHEDULE.

SALARIES, ALLOWANCES, PENSIONS, AND OTHER SUMS OF MONEY PAYABLE UNDER THIS ACT.

Dominion of Canada.

The following Ministers, Members of the Queen's Privy Council for Canada, viz :—

The Minister of Justice and Attorney General,	$5,000	per annum.
The Minister of Militia and Defence,	$5,000	"
The Minister of Customs,	$5,000	"
The Minister of Finance,	$5,000	"
The Minister of Public Works	$5,000	"
The Minister of Inland Revenue,	$5,000	"
The Secretary of State for the Provinces,	$5,000	"
The President of the Queen's Privy Council.	$5,000	"
The Minister of Marine and Fisheries	$5,000	"
The Post Master General	$5,000	"
The Minister of Agriculture	$5,000	"
The Secretary of State of Canada	$5,000	"
The Receiver General	$5,000	"
The Secretary of the Governor General, while the present Incumbent remains in office	$3,000	"
And afterwards	$2,400	"

Province

Province of Quebec.

The Lieutenant Governor................	$8,000	per annum.
The Chief Justice of the Court of Queen's Bench	$5,000	"
Four Puisné Judges of the said Court, each	$4,000	"
The Chief Justice of the Superior Court....	$5,000	"
Seven Puisné Judges of the said Court, each so long as the Hon. Mr. Justice Short remains in office, and afterwards six at the same rate.	$4,000	"
Seven Puisné Judges of the said Court, each. and after the decease or resignation of Mr. Justice Short, eight at the same rate.	$3,200	"
Three Puisné Judges of the said Court.....	$2,800	"
To each of the said Judges, such travelling expenses as may be allowed him by the Governor in Council, under the provisions of law in that behalf.		
The Judge of the Court of Vice Admiralty..	$2,000	"

Province of Ontario.

The Lieutenant Governor................	$8,000	"
The Chief Justice of the Court of Queen's Bench..........................	$5,000	"
Two Puisné Justices of the said Court, each	$4,000	"
The Chancellor..........................	$5,000	"
Two Vice Chancellors, each..............	$4,000	"
The Chief Justice of the Court of Common Pleas..............................	$5,000	"
Two Puisné Judges of the said Court, each	$4,000	"
To each of the said Judges, such travelling expenses as may be allowed him by the Governor in Council.		
To each of County Judges respectively, such salary not exceeding $2,600, nor less than $1,800 per annum, as the Governor in Council may from time to time fix and appoint, but provided that any salary may be reduced to $1,800 after a vacancy.		
To each of the said County Judges, for travelling expenses........................	$ 200	"

Province of Nova Scotia.

The Lieutenant Governor................	$7,000	"
The Chief Justice of the Supreme Court....	$4,000	"
The Judge in Equity......................	$4,000	"
Judge Bliss, one of the Assistant Justices of the Supreme Court, so long as he shall hold the Office..........................	$3,250	"

Three

Three (and after the decease or resignation of Judge Bliss, four) other Assistant Judges of the Supreme Court, each......$3,200 per annum.
To each of the said Judges, such travelling expenses as may be allowed to him by the Governor in Council.

Province of New Brunswick.

The Lieutenant Governor................	$7,000	per annum.
The Chief Justice of the Supreme Court...	$4,000	"
Mr. Justice Parker, during his incumbency	$4,000	"
Three (and after the decease of Mr. Justice Parker, four) Judges of the said Court, each	$3,200	"

To each of the said Judges, such travelling expenses as may be allowed him by the Governor in Council.
Five County Judges, each, such salary not exceeding $2,600 nor less than $1,800 per annum, as the Governor in Council may from time to time fix and appoint,—but provided that any salary may be reduced to $1,800 after a vacancy.
To each of the said County Judges, for travelling expenses...................... $200 "

Pensions.

To each of the Retired Judges of the Superior Courts of Equity or Law or of Vice-Admiralty mentioned in the foregoing Act, in any one of the four Provinces, such retiring allowance as may have been granted to him under any provision of law in that behalf, before the coming into force of this Act, so long and on the conditions subject to which such retiring allowance or pension was granted, or as may be granted to such Judge under the provisions of this Act, on his resigning office, after it takes effect.

To John G. Marshall, Esquire, formerly one of the Judges of the Court of Common Pleas in Nova Scotia................	$1200	per annum.
To William Q. Sawers, Esquire, formerly one of the Judges of the said Court....	$1200	"
To John Spry Morris, Esquire, formerly Crown Land Commissioner, Nova Scotia, and..................................	$1200	"
To H. W. Crawley, Esquire, formerly Crown Land Commissioner, Cape Breton	$1200	"

To

To each so long as he does not accept any office under Government of equal or greater value.

Miscellaneous.

Indian Annuities (Quebec & Ontario).... $26,664 per an.

CAP. XXXIV.

An Act respecting the Civil Service of Canada.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Departmental Staff.

1. The Departmental Staff of the Civil Service of Canada, at the Seat of Government, shall consist of,—

Deputy Heads of Departments,—
Officers or Chief Clerks,—
Clerks,—and
Probationary Clerks.

Outside Service.

2. The Outside Service of the several Departments requiring such service, shall be organized and classified as hereinafter provided.

Appointments.

Age limited. Exceptions.

3. No appointment shall be made of any person who is then under the age of eighteen years or over the age of twenty-five years, subject to the following exceptions :

Appointments over age, allowed in certain cases requiring special acquirements.

1. A person over the age of twenty-five years may be appointed to any office or clerkship upon the application and report of the Head of the Department, specifying the reasons therefor ; but if the appointment is contemplated on the ground that special attainments are required, the person whom it is proposed to appoint, may be subjected to a special examination in that respect ; and if the person appointed is over the age of forty years, a report of the appointment and the reasons thereof, shall be submitted to Parliament at its then next Session ; and

Private Secretaries of Ministers.

2. Any person may, with the approval of the Governor in Council, be appointed as the Private Secretary of the Head of a Department, but the salary or emoluments of any such Private

Private Secretary payable out of public monies, shall not exceed the rate of six hundred dollars per annum, he shall not by virtue of such appointment be a member of the Civil Service, and his appointment shall cease on the retirement of the Minister who appointed him.

4. No appointment or promotion shall be made, except under the authority of the Governor in Council, upon the application and report of the Head of the Department, in which it is to be made. Authority for appointments or promotions.

5. Every appointment, whether by Commission or otherwise, shall be during pleasure. Tenure of Office.

Probationary Clerks.

6. Every candidate for admission into the Civil Service shall, as a condition precedent to his nomination, produce such evidence as the Governor may think sufficient as to his age, health and moral character; and upon the delivery of the same, and of the nomination of any Head of a Department, to the Civil Service Board, the said Board shall examine such candidate; and no appointment shall be made until after such nomination, and the passing of such examination: Provided that nothing herein contained shall prevent any special examination being held as to persons to be appointed or promoted in the Outside Service of the Department of Customs, Inland Revenue, Public Works, or Post Office Department, or other outside service, under the supervision of the Department to which such service belongs. Examination of Candidates for employment. No appointment without nomination and examination. Proviso: as to special examination for outside service.

7. A Probationary Clerk shall enter the Service at a salary of three hundred dollars per annum, and shall serve in that capacity and at that rate of salary, for at least one year before being eligible for permanent appointment as a Third Class Clerk:— Term of probation.

But such permanent appointment may be deferred by the Head of the Department; and in such case additional salary, at the rate of fifty dollars per annum, may be allowed; and Proviso.

If such Probationary Clerk be not at the end of two years, found fit for appointment as a Third Class Clerk, his employment in the Civil Service shall cease. Proviso.

Clerks.

8. Clerks shall be divided into three Classes: First, Second and Third. Classes.

9. A Third Class Clerk shall receive a salary of four hundred dollars for his first year's service as such, and may thereafter have Third Class Clerks.

have an annual increase of fifty dollars per annum, until his salary is six hundred and fifty dollars per annum; but he shall not be eligible for promotion into the Second Class until after five years' service in the Third Class.

Second Class.

10. Second Class Clerks shall be subdivided into Junior Second Class, and Senior Second Class:

Junior.

A Junior Second Class Clerk shall receive a salary of seven hundred dollars for his first year's service as such, and may thereafter have an annual increase of fifty dollars per annum, until his salary is one thousand dollars per annum, but he shall not be eligible for promotion into the Senior Second Class, until after five years' service in the Junior Second Class;

Senior.

A Senior Second Class Clerk shall receive a salary of one thousand one hundred dollars for his first year's service as such, and may have an annual increase of fifty dollars per annum, until his salary is one thousand four hundred dollars per annum; but he shall be eligible for promotion into the First Class at any period of his service in the Senior Second Class.

First Class Clerks.

11. A First Class Clerk shall receive a salary of not less than one thousand two hundred dollars per annum, and may have an annual increase of fifty dollars per annum, until his salary is one thousand eight hundred dollars per annum:

Proviso as to salary, and increase of Salary.

But if any Clerk promoted into the First Class, has at the time of such promotion, a higher salary than one thousand two hundred dollars per annum, he shall continue to receive such salary until by length of service in the First Class he has a right to that amount as a First Class Clerk, from which time he shall receive the annual increase until his salary is one thousand eight hundred dollars per annum;

Promotion.

A First Class Clerk shall be eligible for promotion at any period of his service in the First Class.

Officers or Chief Clerks.

Officers or Chief Clerks.

12. There may be in each Department of the Civil Service, one or more Officers or Chief Clerks, who shall receive such salaries respectively as may be fixed and determined by the Governor in Council, as hereinafter provided.

Chief Clerks.

13. If, in any Department, there are no special duties requiring or assigned to an Officer or Chief Clerk, an additional salary, not exceeding four hundred dollars per annum, may be given by Order in Council to one or other First Class Clerks in such Department, who shall have the rank of Chief Clerk.

Deputy Heads of Departments.

14. The Officers mentioned in Schedule A to this Act, shall be appointed under the Great Seal, and shall be respectively the Deputy Heads of the Departments also mentioned in the said Schedule, and shall receive such salaries respectively as may be assigned to them by the Governor in Council as hereinafter provided: Who shall be, and how appointed. Salaries.

In the absence of any Deputy Head, the Head of the Department may empower any Officer or Chief Clerk thereof, to perform the duties of such Deputy Head; Absence of Deputy Head.

It shall be the duty of the Deputy Head of each Department, and he shall have authority (subject always to the Head of the Department) to oversee and direct the other Officers, Clerks and Servants of the Department; he shall have the general control of the business of the Department, and such other powers and duties as may be assigned to him by the Governor in Council; and in the absence of the Minister, and during such absence, may suspend from his duties any Officer, Clerk or Servant of the Department who refuses or neglects to obey his directions as such Deputy. Duties and powers of Deputy Heads.

15. As soon as conveniently may be after the passing of this Act, the Governor in Council shall determine the number of Officers or Chief Clerks, and of the Clerks of each class, that are required for the working of the Staff and Outside Service respectively, of each Department, and shall classify the same according to the arrangement so determined; and such classification shall be submitted to Parliament, not later than the first week of the session of Parliament next ensuing, and the estimates of the following year shall be based thereon; and after such classification has been submitted to Parliament, no first class Clerk, and no Officer or Chief Clerk shall be appointed, nor shall any person be rated at a salary higher than the maximum of the first class, except (1) upon a vacancy, or (2) upon the creation of an additional first class Clerkship or Office, or Chief Clerkship, by a special Order in Council, and upon the approval by Parliament of the salary thereunto attached, as a separate item in the estimates of the year in which such first class Clerkship or Office, or Chief Clerkship is created. Order in Council to limit the number of Officers and Clerks. Not to be changed except by authority of Parliament.

16. If the number of Clerks attached to any Department, as Staff or as Outside Service, at the date of such classification by Order in Council, and entitled according to the amounts of their salaries to rank in any class mentioned in such Order, be greater than the number of such class thereby allowed to the Department, as Staff or as Outside Service, then the Head of the Department shall name the persons to fill the several offices, and the remainder shall be Supernumerary Clerks of Proviso, if the existing number of Clerks be greater than that allowed by Order in Council.

of that class respectively in which their then salaries entitle them to rank; and every such Supernumerary Clerkship shall lapse upon a vacancy and shall not be filled.

Messengers.

Age, nomination and examination.

17. No appointment shall be made of any person as messenger who is over thirty-five years of age, or until he has been nominated by the Head of a Department, and has produced such certificates and passed such examination as shall be prescribed by the Civil Service Board and approved of by the Governor in Council.

Salary.

18. A messenger shall enter the Service at a salary to be fixed by the Governor in Council, not exceeding three hundred dollars for the first year, and may thereafter have an annual increase of thirty dollars per annum, until his salary is five hundred dollars per annum.

Office Keeper.

No resident male Office Keeper shall be paid more than five hundred dollars per annum.

Extra Clerks.

When only allowed, and rate of pay.

19. No extra Clerk shall, except under an Order in Council, be employed in any Department, unless for a period not exceeding one month, for which he may be paid at a rate not exceeding one dollar and fifty cents per diem, out of the Contingencies of the Department, on the Certificate of the Head or Deputy Head thereof;—except only that if such Extra Clerk be an Accountant, a Book-keeper or a person of special attainments, and employed as such, he may be paid at a rate not exceeding four dollars per diem:

Exception.

Proviso: if employed beyond one month.

But any Extra Clerk may, under an Order in Council, made on the application and report of the Head of the Department, that the same is requisite, be employed for a longer period than one month, but not exceeding six months, and he shall during such period be borne on the pay-list of the Department;

If employed more than six months.

After the end of the six months such Extra Clerk shall only be retained in the Department as a Probationary Clerk, if nominated, examined and appointed as such in the manner required by this Act; but if so appointed, the time during which he has served as an Extra Clerk, may be counted in his service as a Probationary Clerk.

General Provisions.

No pay for extra service.

20. No allowance or compensation shall be made for any extra service whatsoever which any officer or clerk may be required to perform in the Department to which he belongs.

21. No Clerk shall have an absolute right to the annual increase of salary authorized by the Act; but the same may be suspended and subsequently restored by the Head of the Department, but without payment of arrears: No absolute right to increase of salary.

The annual increase of salary shall be payable from the first day of the quarter next succeeding the date at which from his length of service any Clerk may be eligible for such increase; Commencement of increase.

In case of promotion, the increase of salary shall become payable from the first day of the month next succeeding the date at which such promotion took place. In case of promotion.

22. Nothing in this Act shall affect the salary or emolument of any Officer or Clerk in the Civil Service at the time of the passing of this Act, so long as he shall be continued in office; but no provision herein contained shall be construed to impair the power of the Governor to remove or dismiss any such Officer or Clerk. Salaries of present incumbents not affected. Proviso.

23. When the Clerks on the Staff or on the Outside Service of any Department cannot, with sufficient speed, perform the duties required on any emergency, the Deputy Head of such Department may require from the Deputy Heads of any other Departments the temporary services of any number of Clerks as may not be then actively engaged in services of their own Departments, but without additional remuneration. Clerks in one Department may be employed in another.

24. The Head of every Department may, at such times as may be convenient, grant to every Officer or Clerk leave of absence for recreation for any period or periods not exceeding in the whole three weeks in each year, and may in cases of illness or other pressing necessity, grant such extended leave not exceeding twelve months and on such terms as the Governor in Council may think fit.. Leave of absence.

Civil Service Board.

25. There shall be a Board to be called the Civil Service Board, and to be composed of the persons who for the time being fill the offices named in the Schedule A: How composed.

Five of the members of the Board shall be a quorum, and may exercise all the functions of the Board; Quorum.

A Chairman and Secretary shall be chosen annually from amongst themselves, and minutes of their proceedings shall be kept. Chairman and Secretary.

The duties of the Board shall be,— Duties.

1.

Rules and regulations. 1. To frame and publish Regulations to be observed by candidates for employment in the Civil Service of Canada, and the subjects of such examination, (varying for each Department according to the peculiar nature of its general functions and duties,) and to alter the same, from time to time, such Regulations being first approved by the Governor in Council;

Examination of Candidates. 2. To examine all candidates who present themselves upon a nomination for office, as hereinbefore mentioned, and in accordance with the regulations of the Board, and any other regulations or restrictions provided under this Act;

Register. 3. To keep a record of the candidates for examination, shewing the name, age, place of birth, and residence of each candidate, by what Head of a Department nominated, and the result of his examination;

Certificates. 4. To grant certificates of qualification to candidates whose examination as to fitness and capacity, and whose testimonials as to moral character, have been found satisfactory;

Claims to promotion. 5. To investigate the length of service of any person claiming to be entitled on such ground to promotion from any one class to that next above it, and to report thereon to the Head of the Department;

Report yearly to Governor. 6. To report in the month of January in each year, to the Governor in Council, all cases in which there has been any departure, during the previous year, from the Rules and Regulations prescribed by this Act.

Matters referred by Governor in Council to the Board. 7. And the Governor in Council, may at any time refer to such Board, such questions as he may think fit, connected with the administration of the Civil Service in the matters of nomination, appointment, promotion or salary, or such enquiry or other questions connected with the efficiency and welfare of such service, and it shall be the duty of such Board to report for the consideration of the Government on every question so referred, and it shall have power and authority to summon and examine witnesses and to call for and obtain papers. Power to call witnesses.

Oaths of Office, &c.

Oath of allegiance to be taken by Officers, &c., in Civil Service. **26.** Immediately after the passing of this Act, the Deputy Heads of Departments and all Officers or Chief Clerks, Clerks and Messengers of the Civil Service shall take and subscribe before the Clerk of the Queen's Privy Council for Canada, the oath of Allegiance and that which is contained in Schedule B of this Act; and the Clerk of the Queen's Privy Council for Canada shall keep a register of such oaths, and every Deputy Head, Officer or Chief Clerk, Clerk or Messenger who shall hereafter be appointed, shall, before entering upon the duties of his office, take and subscribe the same oaths respectively.

27.

27. In this Act the expression "Head of a Department" means the Minister of the Crown for the time being presiding over such Department. Interpretation.

28. This Act may be cited as "The Canada Civil Service Act, 1868." Short title.

SCHEDULE A.

Deputy Heads of Departments.

Clerk of the Privy Council.
Deputy of the Minister of Justice.
Deputy of the Minister of Militia.
Under Secretary of State for Canada.
Under Secretary of State for the Provinces.
Deputy Inspector General.
The Auditor General.
Deputy Receiver General.
Commissioner of Customs.
Commissioner of Inland Revenue.
Deputy of the Minister of Public Works.
Deputy Postmaster General.
Deputy of the Minister of Agriculture.
Deputy of the Minister of Marine and Fisheries.

SCHEDULE B.

"I, (*A.B.*,) solemnly and sincerely swear that I will faithfully "and honestly fulfil the duties which devolve upon me as and that I will not ask, or receive "any sum of money, services, recompense or matter or thing "whatsoever, directly or indirectly, in return for what I have done "or may do in the discharge of any of the duties of my said "office, except my salary or what may be allowed me by law or "by an Order of the Governor in Council.—So help me God."

CAP. XXXV.

An Act to regulate and restrict the Contingent Charges of the Departments of the Public Service, and to establish a Stationery Office.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

CONTINGENCIES.

1. The Contingencies of each Department of the Civil Service shall mean and include only: What shall be contingencies.

1. Subscriptions to and advertising in newspapers ;

2. The purchase of books of reference, maps, &c. ;

3. Telegraphing ;

4. Postages, freight and express charges ;

5. Wages of charwomen, and other expenses of cleaning offices ;

6. Travelling expenses, including cab hire ;

7. Extra clerks, to the extent only sanctioned by the Civil Service Act ;

8. Petty expenses, not exceeding in any Department a sum to be apportioned by Order in Council.

Heating, repair, and furnishing Government buildings to be under charge of Public Works.

How paid for.

2. The Department of Public Works is hereby charged with the heating, maintenance and keeping in repair of the Government Buildings at the Seat of Government, and with any alterations, from time to time, requisite therein, and with supplying furniture or fittings or repairs to the same ; and no charge in respect thereof shall be made against or paid out of the vote for contingencies, but an Estimate shall be annually laid before Parliament, of sums required for such purposes, respectively, and any expenditure therefor shall be defrayed out of such sum as may be specially appropriated therefor.

Deputy Heads to give orders for contingencies.

3. So often as any Contingency is required by any Department, whether for an article to be furnished or service to be performed, the Deputy Head of the Department shall apply therefor by requisition, in writing, to the person by whom the same is to be furnished or performed ; and such requisition shall, in cases where it can be so made, be antecedent to the delivery of the article or performance of the service.

And certificates for payment.

To whom to be sent.

4. Every account rendered to a Deputy Head for certificate, shall be accompanied by the original requisition, in respect of which such account accrued, and, when certified by him, shall be forwarded to an officer of the Finance Department, to be called the Accountant of Contingencies, for payment ; and, except as hereinafter mentioned, shall then be paid by him.

What the certificate shall state expressly.

5. Every such certificate shall expressly state that each item contained in the account has been incurred by the authority and upon the order of either the Head or Deputy Head of the Department, and that the articles or services charged for, have been received or performed, and that the prices charged are in his opinion, severally fair and just, and that the expenditure incurred is necessary for the public service ; but the Accountant

Accountant of Contingencies shall nevertheless investigate the account, and ascertain the correct price before paying the same; and the Board of Audit shall, from time to time, prescribe the mode of investigating accounts, and the standard by which the correct price shall be ascertained by the Accountant of Contingencies before such payment. Duty of Accountant of contingencies, and of Board of Audit.

6. In case it shall appear to the Accountant of Contingencies that any such account is for a purpose not included under the above definition of Contingencies, or that it is in excess of the amount for which authority has been given, or that the amount, or any part thereof, has been previously paid, or that there is any other error therein, he shall withhold payment, and submit the account to the Auditor; and if the Auditor, after conference with the Deputy Head, signing the requisition, shall be of opinion that there is any irregularity in the same, he shall submit it to the Board of Audit before payment. Reference to the Auditor and Board of Audit in cases of doubt.

7. The Deputy Head of each Department shall submit to the Head thereof, monthly, an account of the expenditure for contingencies, during the month, with the details of such account. Monthly account by Deputy to Head.

8. The Accountant of Contingencies shall submit, monthly, through the Auditor, to the Board of Audit at its monthly meeting, a statement of all sums which have been paid in advance and to be accounted for, and which remained unaccounted for at the end of the last preceding month. Monthly account to Board of Audit of sums paid in advance.

9. The Accountant of Contingencies shall render to the Auditor, monthly, a Statement, in detail, accompanied by Vouchers, of all sums paid by him during the month, and of all monies received, with a Bank certificate of the balance at his credit at the end of the month. Account to the Auditor.

10. The Estimates for Contingencies of each Department shall be prepared and submitted to Parliament separately, but may be voted in one sum, and in that case, and so soon as conveniently may be after the same have been voted by Parliament, the Governor in Council shall assign a certain sum for defraying the Contingencies of each Department, reserving a certain amount for general expenses, not specially applicable to any individual Department, to be expended upon requisition and certificate of the Chairman of the Civil Service Board, in such manner as is hereinbefore provided, in respect to the Contingencies of any Department. Estimates for contingencies and application of sums voted.

11. All matters connected with the superintendence of the Government Buildings, other than the maintenance and repairs thereof, hereinbefore mentioned, shall be in charge of the Accountant of Contingencies, under the Civil Service Board, and such Board shall make regulations in respect thereof, subject to the approval of the Governor in Council. As to certain expenses connected with Government Buildings.

STATIONERY.

Stationery office, and management thereof.

12. There shall be a Stationery Office for the purposes hereinafter mentioned, and the same shall be attached to the Finance Department, and shall be placed under the superintendence of such Officer or Clerk of that Department, as the Minister of Finance may direct; and the Governor in Council may, subject to the provisions of the Canada Civil Service Act, 1868, appoint any Clerk or Clerks for assistance in the said office as may be found expedient.

Estimates of Stationery, Printing, &c., by Deputy Heads.

13. It shall be the duty of each Deputy Head of a Department to furnish to the Finance Department, when required, an estimate of the probable quantity, quality and variety of all articles commonly known as "Stationery," and of the probable amount, in value, of Printing and Binding which may be required for the purposes of each such Department for the then ensuing Financial Year.

Total estimates to be submitted to Parliament, &c.

14. Such estimates shall be referred to the Civil Service Board, who shall thereupon report to the Governor in Council, the total probable amount, in quantities, qualities and value, required for the Stationery, Printing and Binding for the Departments of the Civil Service for such year, and a requisite sum therefor shall be placed in the Estimates as a separate item, under the head of Civil Government; and an apportionment in respect of each Department shall be made by the Governor in Council, which may be increased or varied from time to time, so that the whole sum voted by Parliament in any year, together with the value of the stock on hand, be not exceeded; the said Board shall further report to the Governor in Council, the mode or modes in which the said Board propose that the said articles or services shall be procured and performed, and the regulations under which tenders may be asked for for the same respectively, and as to the terms of acceptance thereof, and as to the mode of collection and disposal of the waste paper of the several Departments; and upon the approval by the Governor in Council of such Reports of the Civil Service Board, any necessary supplies of Stationery, to the extent of the appropriation made by Parliament, may be procured, and any necessary arrangements for Printing and Binding, and contracts for the same, respectively, may be entered into; and all Stationery so procured, shall be placed in the custody of such Officer or Clerk as may be directed, as hereinbefore mentioned.

Apportionment to each Department.

Report to Governor in Council; and contracts for supplies or work.

Supplies of stationery, on Reports approved by Gov. in Council.

Stationery Clerk to supply Stationery and cause work to be done; sending accounts monthly to Deputy Heads, who

15. Such Officer or Clerk shall supply any articles of Stationery to, or cause to be performed for any Department of the Civil Service, such Printing or Binding, according to such regulations as may be approved by the Governor in Council as aforesaid, so often as such Officer or Clerk shall receive a Requisition therefor, signed by the Deputy Head of such Department, and he shall charge the quantity supplied, or the service

service so performed, and the value thereof, against such Department; and such Officer or Clerk shall furnish an account, monthly, of the same respectively, to each Deputy Head of a Department, accompanied by the several Requisitions in respect of the several articles or services mentioned in the said account, and such Deputy Head shall, if the same be found correct, certify to the correctness of such account, and return it to such Officer or Clerk. shall certify them if correct.

16. Such Officer or Clerk shall furnish a Statement, monthly, to the Auditor, with the accounts and vouchers therefor, of all Stationery purchased and of all articles supplied, or Printing and Binding performed for each Department, during the preceding month, certified by the Deputy Head thereof as correct, in the manner hereinbefore provided with respect to Contingencies; and the Auditor shall, quarterly, or more frequently, at his discretion, cause the stock of Stationery in store to be checked, with the quantities purchased and supplied. And to render accounts monthly to the Auditor who shall take stock from time to time.

17. An account shall be laid before Parliament each year, shewing the value of the stock of Stationery on hand at the beginning of the year, the amount expended during the year for Stationery, Printing and Binding, the amounts charged against each Department, and the stock on hand at the end of the year, and also the amount expended under the several heads of service specified in the first section. Accounts to be laid before Parliament.

18. This Act shall apply as well to the Outside Service of the several Departments as to the Departments of the Civil Service at the Seat of Government. Act to apply to outside Service.

CAP. XXXVI.

An Act respecting Commissions, and Oaths of Allegiance and of Office.

[*Assented to 22nd May,* 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

COMMISSIONS.

1. Upon the demise of the Crown, it shall not be necessary to renew any commission by virtue whereof any Officer of Canada or any Functionary in Canada held his office or profession during the previous Reign; but a Proclamation shall be issued by the Governor, authorizing all persons in office as Officers of Canada who held commissions under the late Sovereign, and all Functionaries who exercised any profession by virtue of any such Commissions to continue in the due exercise Proclamation substituted for renewal of commissions, on demise of the crown.

exercise of their respective duties, functions and professions; and such Proclamation shall suffice, and the incumbents shall, as soon thereafter as may be, take the usual and customary oath of Allegiance, as hereinafter provided, before the proper officer or officers thereunto appointed:

Oath of Allegiance to be taken.

Effect of such Proclamation.

2. And such Proclamation being issued, and oath taken, each and every such Officer of Canada and Functionary shall continue in the lawful exercise of the duties and functions of his office or profession, as fully as if appointed *de novo* by commission derived from the Sovereign for the time being; and all acts and things *bonâ fide* done and performed by such incumbents in their respective offices, and in the due and faithful performance of their duties, functions and professions, between the time of such demise and the Proclamation so to be issued (such Oath of Allegiance being always duly taken), shall be deemed to be legally done, and valid accordingly.

Rights of the Crown saved.

2. Nothing in the preceding section shall prejudice or in anywise affect the rights or prerogative of the Crown, with respect to any office or appointment derived or held by authority from it, nor prejudice or affect the rights or prerogatives thereof in any other respect whatsoever.

OATHS OF ALLEGIANCE AND OF OFFICE.

Form of oath prescribed.

3. The following form and no other, shall be that of the Oath of Allegiance to be administered to and taken by every person in Canada who, either of his own accord or in compliance with any lawful requirement made on him, or in obedience to the directions of this Act or of any other Act or law in force in Canada, save and except the "British North America Act, 1867," desires to take an Oath of Allegiance, that is to say:

The form.

"I, A. B., do sincerely promise and swear that I will be "faithful and bear true Allegiance to Her Majesty Queen "Victoria (*or reigning Sovereign for the time being*), as lawful "Sovereign of the United Kingdom of Great Britain and "Ireland, and of this Dominion of Canada, dependent on and "belonging to the said Kingdom, and that I will defend Her "to the utmost of my power against all traitorous conspiracies "or attempts whatever, which shall be made against Her "Person, Crown and Dignity, and that I will do my utmost "endeavor to disclose and make known to Her Majesty, Her "Heirs or Successors, all treasons or traitorous conspiracies and "attempts which I shall know to be against Her or any of "them; and all this I do swear without any equivocation, "mental evasion or secret reservation. So help me God."

Who may administer it.

And all Magistrates and other Officers lawfully authorized, either by virtue of their office or special commission from the Crown for that purpose, may administer the oath of Allegiance under

under this Act in any part of Canada; and it shall not be necessary for any person appointed to any civil office in Canada, or for any Mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a Barrister, Advocate, Notary Public, Attorney, Solicitor or Proctor, to make any declaration or subscription, or to take or subscribe any other oath than the oath aforesaid, and also such oath for the faithful performance of the duties of his office, or for the due exercise of his profession or calling as is required by any law in that behalf.

No other declaration or subscription necessary.

Oath of office to be taken.

4. The Oath of Allegiance hereinbefore set forth, together with the Oath of Office or oath for the due exercise of any profession or calling, shall be taken within the period and in the manner, and subject to the disabilities and penalties for the omission thereof, by law provided with respect to such Oaths, in all such cases respectively.

Within what time the oaths must be taken.

AFFIRMATION OF ALLEGIANCE.

5. All persons allowed by law to affirm instead of swearing in civil cases in any part of Canada shall be received to take an affirmation of allegiance in the like terms, *mutatis mutandis*, as the said oath of allegiance; and such affirmation of allegiance, taken before the proper officer, shall in all cases be accepted from such persons in lieu of such oath, and shall as to such affirmants have the like effect as the said oath of allegiance; all Magistrates and other officers lawfully authorized either by virtue of their office or by special Commission from the Crown for that purpose may administer the affirmation of allegiance in any part of Canada.

Affirmation of Allegiance may be substituted for oath.

CAP. XXXVII.

An Act respecting the security to be given by Officers of Canada.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. Every person appointed upon or after the first day of July, eighteen hundred and sixty-seven, to any civil office or employment, or commission in any public department of the Government of Canada, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government of Canada, and who by reason thereof is required to give security, with surety or sureties, or otherwise, shall, within six months from and after the passing of this Act, give and enter

Bonds, with sureties, to be given by persons appointed to certain public offices on or after 1st July, 1867.

enter into a bond or bonds, or other security or securities, in such sum and with such sufficient surety or sureties as may be approved of by the Governor, or by the principal officer or person in the office or department to which he has been appointed, for the due performance of the trust reposed in him, and for his duly accounting for all public money intrusted to him, or placed under his control.

Bonds, with sureties, to be given by persons hereafter appointed to certain public offices.

2. Every person appointed after the passing of this Act, to any civil office or employment, or commission in any public department of the Government of Canada, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government of Canada, and who by reason thereof is required to give security, with surety or sureties, or otherwise shall, within one month after notice of such appointment, if he is then in Canada, or within three months if he is then absent from Canada, (unless he sooner arrives in Canada, and then within one month after such arrival), give and enter into a bond or bonds, or other security or securities, in such sum and with such sufficient surety or sureties as may be approved of by the Governor, or by the principal officer or person in the office or department to which he is appointed, for the due performance of the trust reposed in him, and for his duly accounting for all public moneys intrusted to him, or placed under his control.

Bonds, &c., how and where to be proved, recorded and deposited.

3. Every person who by reason of his appointment to any civil office or employment, or commission in any public department, or of public trust as aforesaid, or who by reason of being concerned in the collection, receipt, disbursement or expenditure of any public moneys as aforesaid, gives or enters into any bond or other security, for the due performance of the trust reposed in him, or for the due accounting for of public money intrusted to him ; and every surety in any bond shall make the affidavit, in the form A, hereto annexed, before a Justice of the Peace, and shall cause every such bond or security to be proved as to the due execution and delivery of the same, by an affidavit of the attesting witness, made before a Justice of the Peace, and shall cause every such bond or security, with the several affidavits thereto annexed, to be recorded at full length at the Office of the Secretary of State of Canada, in manner hereinafter mentioned, and shall forthwith, after such registration, deposit the original bond or security, and the affidavits thereto annexed, at the Office of the Minister of Finance :

Time within which it is to be done.

2. And every such bond or security, and the affidavits thereto annexed, shall be recorded and deposited as aforesaid, within one month after being entered into or given, if the person on whose behalf it is entered into or given resides or is in Canada ; and if he is absent from Canada, then within three months after

after being entered into or given, unless such person arrives sooner in Canada, and then within one month after such arrival.

4. The Secretary of State of Canada, shall make an entry, and shall, if required, give a certificate, in writing, under his hand and seal, of every such bond or security brought to him to be registered as aforesaid, and therein shall mention the day on which such bond or security is so registered, expressing also in what book, page or number the same is recorded : *Entry of bond and certificate thereof, by Secretary of State.*

2. For the purpose of so registering bonds or securities under this Act, the Secretary of State of Canada shall provide a separate Register Book, every page of which, and every bond or security recorded therein, shall be numbered ; and the day of the month and year when every such bond or security is registered, shall be entered in the margin of the said Register Book, and in the margin of the bond or security ; provided always, that no bond or security given by any person under this Act, to Her Majesty, Her Heirs or Successors, shall constitute any other or greater lien or claim upon the lands or tenements, goods or chattels of such person, than if such bond had been given to one of Her Majesty's subjects ; *Separate book to be kept for the purpose.* *Proviso : as to effect of bond as a lien.*

3. The Secretary of State of Canada shall keep separate alphabetical lists of the names of the principals and of the names of the sureties mentioned in such bonds or securities, with reference to the book, page or number where the bonds or securities containing such names are to be found, and shall enter and register the said bonds or securities in the same order of time in which they respectively come to his hands. *Alphabetical lists of names to be kept.* *Order of entry.*

5. If any person, who by reason of his appointment to or holding any such civil office or employment or commission in any public department, or of public trust as aforesaid, or who by reason of being concerned in the collection, receipt, disbursement or expenditure of any public money as aforesaid, is required or bound to give any such security, or to register and deposit any such bond or security as aforesaid, neglects to give such security, or to cause such bond or security to be duly registered and deposited in the manner and within the period in this Act prescribed, he shall be liable to forfeit the appointment, office, employment or commission, in respect whereof such security ought to have been given ; and such bond or security, registered and deposited as aforesaid, and his appointment or commission shall be void, from and after the time when the Governor declares the same to be avoided under this Act ; but such avoidance shall not annul or make void any act or order or other matter or thing done by such person during the time he actually held such appointment, office, employment or commission : *Commission may be declared avoided for non-compliance with this Act.* *Avoidance not to annul acts done.*

2.

Exceptions. Case of loss of bond, &c.

2. No such forfeiture shall take place by reason of any such bond or security, not being registered or deposited, where the proper sureties have been given and the proper bond made out, and when the failure of registry and deposit have arisen from the loss of such bond or security in the transmission thereof from a distance; but in every such case, a new bond or security, specifying the reason of such delay, shall be made out and signed, registered and deposited, within the like period after the person giving such security receives notice of the loss (regard being had to the place where he then is), as is required by this Act, for the registry thereof, if such loss had not occurred.

New Bond.

Notice to be given of death, &c., of surety.

6. Every such person as aforesaid, who has given any bond or other security, with surety or sureties for the due execution of the trust reposed in him, or for duly accounting for public moneys coming to his hands, shall give notice, in writing, to the Secretary of State of Canada, or to the principal officer or person of the Department to which he belongs, of the death, bankruptcy, insolvency, or residence out of Canada, of any surety or person bound for or with him in any such security:

Delay f r giving notice.

2. Such notice shall be given within one month after the fact comes to the knowledge of such person as aforesaid, if he then is or resides in Canada, or within three months if he be out of Canada, (unless he sooner arrives in Canada, and then within one month after such arrival); and any person who neglects to give such notice within such period as aforesaid, shall forfeit, to the use of Her Majesty, one fourth part of the sum for which the surety so dead, or bankrupt or insolvent, or resident out of Canada, became security, to be recovered in any Court of competent jurisdiction, by action of debt, or information at the suit of the Crown;

Penalty for neglect.

Neglect to provide new surety,—

3. And every such person who, upon the death, bankruptcy, insolvency, or residence out of Canada of any surety, neglects to give the security of another surety, to be approved in like manner as such surety dying or becoming bankrupt, insolvent or resident out of Canada, was approved, within such period from his having given notice of the death, bankruptcy or insolvency, or residence out of Canada of the former surety, as is by this Act limited for giving, registering and depositing the original security, or neglects to register and deposit the bond or security of such new surety within such period from his having given the security of such new surety as is by this Act limited, for the registering and depositing of the original bond or security, (the same regard being had to the place in which the person may then be), shall be liable to forfeit the appointment, office, employment or commission, in respect whereof such new security ought to have been given, and such new bond or security registered and deposited as aforesaid; and his appointment or commission shall be void from and after the

or register and deposit the bond,—

punishable by forfeiture of appointment.

the time when the Governor declares the same to be avoided in like manner, and under and subject to such provisions as aforesaid.

7. When any person has become surety to the Crown for the due accounting for public moneys, or the proper performance of any public duty, by any such person as aforesaid, such surety, when no longer disposed to continue such responsibility, may give notice thereof to his principal, and also to the Secretary of State of Canada; and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of the security of another surety whichever shall first happen, and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety, and register and deposit the bond of such new surety, or in default of so doing, shall be liable to forfeit and be deprived of the appointment, office, employment or commission in respect whereof such new security ought to have been given, and such new bond or security registered and deposited as aforesaid; and his appointment or commission shall be void from and after the time when the Governor declares the same to be avoided, in like manner, and under and subject to such provisions as aforesaid.

How sureties of public officers may relieve themselves from further responsibility.

Avoidance of commission.

8. The Governor in Council may remit the forfeiture or penalty in any case in which the failure to give security or to register and deposit any bond or security under this Act, has not arisen from any wilful neglect of the person bound to give register or deposit the same:

Governor may remit penalty in certain cases.

2. And if it appears to the Governor that the period hereinbefore limited for giving the security of a new surety as aforesaid, is in consequence of particular accidents, casualties or circumstances, insufficient, or that by reason of the distance or loss of letters, or illness, or the refusal of any surety to give the security, or of such surety not being deemed eligible and being rejected, or any other accident or casualty, further time will be necessary to enable the security of such new surety to be given—the Governor in Council may allow such further period for giving the security of such new surety as appears to him reasonable and proper;

Or may extend delay for giving security, &c.

3. But such extended period shall in no case exceed two months beyond the period allowed by this Act; and the precise period proposed to be allowed, together with the special grounds for allowing the same, shall be either entered in the book in which the original security has been registered, or indorsed on the back of the original bond or other security itself; and the person required to give the security of such new surety, shall not be subject to any forfeiture or penalty for not giving the same within the time limited by this Act, if he gives it within the extended period so allowed as aforesaid.

But not for more than two months, and an entry must be made.

9.

Governor may approve of security given, &c., after time limited.

9. The Governor may approve of the security given, or the affidavit of qualification filed by any public officer of Canada, although the same has been given or filed after the time limited by this Act; and in such case the office or commission of such public officer shall be deemed not to have been avoided by such default, but to have remained and to remain in full force and effect.

Acts of public officers not void or voidable for delay in giving security, &c.

10. No act of any public officer of Canada, whose security has been given or registered, or deposited, or whose affidavit of qualification has been filed after the time limited by this Act, shall by such default be void or voidable.

Securities executed at different times within what delay to be registered.

11. Where the securities of the principal and sureties have been executed at different times, (whether they were taken in one and the same bond, deed or other instrument, or in different ones), the period limited for registering and depositing such securities, shall be estimated from the time of execution thereof, by the person who was the last to execute the bond, deed or other instrument, or the last bond, deed or other instrument, as the case may be.

Neglect, &c., not to vacate bond or discharge surety.

12. No neglect, omission or irregularity, in giving or receiving the bonds or other securities, or in registering the same, within the periods or in the manner prescribed by this Act, shall vacate or make void any such bond or security, or discharge any surety from the obligations thereof.

Proper officer to register and deposit bonds even after delay expired, but no exemption from penalty to ensue.

13. All bonds or other securities hereby required to be registered and deposited, shall be registered and deposited by the proper officer, notwithstanding the period prescribed for registering and depositing the same has expired; but no such registering and depositing of any such bond or other security shall be deemed to waive any forfeiture or penalty, or shall exempt the person on whose behalf the same are registered and deposited from any forfeiture or penalty under any of the provisions of this Act.

Act not to affect cases specially provided for.

14. Nothing in any of the preceding sections of this Act shall apply to or affect any officer of any Department, with respect to which special provision is made by law, for the giving of security by its officers, and the exacting of security from them, unless such special provision does not extend or apply to such officer.

Statements of bonds to be laid before Parliament.

15. The Secretary of State of Canada, shall cause to be prepared, for the information of the Parliament of Canada, within fifteen days after the opening of every Session thereof, a detailed statement of all bonds or securities registered as aforesaid, at his office, and of any changes or entries that have been made in reference to the names and residence of any sureties, and of the amounts in which they have become severally

severally liable, since the period of the previous return submitted to the said Parliament.

16. The Governor in Council may, by Order in Council, direct that whenever any public officer of Canada, is required to give security as aforesaid, for the due performance of the trust reposed in him, and for his duly accounting for all public moneys intrusted to him or placed under his control, or for the due fulfilment in any way of his duty, or of any obligation undertaken towards the Crown, the Bond or Policy of Guarantee of the European Assurance Society, mentioned in the Imperial Act, twenty-second Victoria, chapter twenty-five, or of any Incorporated or Joint Stock Company, incorporated and empowered for like purposes, named by such Order in Council, may be accepted as such security, upon such terms as shall be determined by the Governor in Council. Governor in Council may authorize security of certain Companies to be accepted for officers of Canada.

FORM A.

County of , }
Province of , }
to wit : }
I, A. B., the obligor (*or* one of the sureties), in the annexed Bond named, make oath and say, as follows :

1. I am seized and possessed to my own use of real, or real and personal estate in the Province of , in Canada, of the actual value of $, over and above all charges upon or incumbrances affecting the same.

2. My Post Office address is as follows :

Sworn before me, at , in the County of , this day of , A. D. one thousand eight hundred and sixty .

J. P., for the County of , in the Province of .

CAP. XXXVIII.

An Act respecting Inquiries concerning Public Matters.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

1. Whenever the Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Canada, or the conduct of any Governor in Council may confer on

commissioners appointed to make inquiry on public matter, power to examine on oath, &c.

any part of the Public business thereof, and such inquiry is not regulated by any special Law, the Governor may, by the Commission in the case, confer upon the Commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring them to give evidence on oath, orally or in writing, (or on solemn affirmation if they be parties entitled to affirm in civil matters) and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine:

Power to commissioners to compel attendance of witnesses.

2. The Commissioner or Commissioners shall then have the same power to enforce the attendance of such witnesses and to compel them to give evidence, as is vested in any Court of Law in Civil cases; and any wilfully false statement made by any such witness on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such party or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

Proviso.

CAP. XXXIX.

An Act respecting the Department of Justice.

[*Assented to 22nd May,* 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Department constituted. Minister of Justice to preside: to be Atty. Gen.

1. There shall be a Department of the Civil Service of Canada, to be called "The Department of Justice" over which The Minister of Justice of Canada, for the time being, appointed by the Governor by Commission under the Great Seal, and who shall, *ex-officio*, be Her Majesty's Attorney General of Canada, shall preside; and the said Minister of Justice shall hold office during pleasure and shall have the management and direction of the Department of Justice.

Duties of the Minister: as official legal adviser of the Crown.

2. The duties of The Minister of Justice shall be as follows: He shall be the official legal adviser of the Governor and the legal Member of Her Majesty's Privy Council for Canada; It shall be his duty to see that the administration of public affairs is in accordance with law; He shall have the superintendence of all matters connected with the administration of Justice in Canada, not within the jurisdiction of the Governments of the Provinces composing the same; He shall advise upon the Legislative Acts and proceedings of each of the Legislatures of the Provinces of Canada, and generally advise the Crown upon all matters of Law referred to him by the Crown; and he shall be charged generally with such other

As to Legislative Acts.

General duties.

other duties as may at any time be assigned by the Governor in Council to the Minister of Justice.

His powers and duties as Attorney General.

3. The duties of The Attorney General of Canada shall be as follows: He shall be intrusted with the powers and charged with the duties which belong to the office of the Attorney General of England by law or usage so far as the same powers and duties are applicable to Canada, and also with the powers and duties which by the laws of the several Provinces belonged to the office of Attorney General of each Province up to the time when the British North America Act, 1867 came into effect, and which Laws under the provisions of the said Act are to be administered and carried into effect by the Government of the Dominion; He shall advise the Heads of the several Departments of the Government upon all matters of Law connected with such Departments; He shall be charged with the settlement and approval of all instruments issued under the Great Seal of Canada; He shall have the superintendence of Penitentiaries and the Prison System of the Dominion; He shall have the regulation and conduct of all litigation for or against the Crown or any Public Department, in respect of any subjects within the authority or jurisdiction of the Dominion; And he shall be charged generally with such other duties as may at any time be assigned by the Governor in Council to the Attorney General of Canada.

Advising Heads of Departments. Instruments under Great Seal. Penitentiaries and prisons. Litigation for the Crown. General duties.

Appointment. Duties of Deputy of the Minister of Justice.

4. The Governor may also appoint a "Deputy of the Minister of Justice" who shall be charged, under the Minister of Justice, with the performance of the departmental duties of The Minister of Justice and of The Attorney General of Canada, and with the control and management of the officers, clerks and servants of the Department, and with such other powers and duties as may be assigned to him by the Governor in Council.

Officers and Clerks of the Department.

5. The Governor may also appoint, subject to the Canada Civil Service Act 1868, such officers, clerks and servants as may be requisite for the proper conduct of the business of the Department, all of whom, as well as the Deputy of the Minister, shall hold office during pleasure.

CAP. XL.

An Act respecting the Militia and Defence of the Dominion of Canada.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

COMMAND IN CHIEF.

Command in Chief vested

1. As provided by the fifteenth section of "The British North America Act, 1867," the Command-in-Chief of the

Land

in H. M.: how exercised. Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is vested in the Queen, and shall be exercised and administered by Her Majesty personally or by the Governor as Her Representative.

DEPARTMENT OF MILITIA AND DEFENCE.

Minister and Department of Militia and defence, his duties, &c. **2.** There shall be a Minister of Militia and Defence who shall be charged with and be responsible for the administration of Militia Affairs, including all matters involving expenditure, and of the fortifications, gunboats, ordnance, ammunition, arms, armories, stores, munitions and habiliments of war belonging to Canada:

Initiative in money matters. 2. The Minister of Militia and Defence shall have the initiative in all Militia affairs involving the expenditure of money;

Further duties of Minister of Militia and defence. 3. The Governor in Council shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Minister of Militia and Defence.

Deputy: and officers and their duties. **3.** The Governor may appoint a Deputy of the Minister of Militia and Defence, and such other Officers as may be necessary for carrying on the business of the Department; and the duties of such Officers shall be prescribed, and their salaries fixed by the Governor in Council.

MILITIAMEN.

Militia of whom composed. **4.** The Militia shall consist of all the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty—not exempted or disqualified by law, and being British subjects by birth or naturalization; but Her Majesty may require all the male inhabitants of the Dominion, capable of bearing arms, to serve in case of a *Levée en Masse*:

Proviso.

Classes. **5.** The male population so liable to serve in the Militia, shall be divided into four classes:

First. The *first* Class shall comprise those of the age of eighteen years and upwards, but under thirty years, who are unmarried, or widowers without children;

Second. The *second* Class shall comprise those of the age of thirty years and upwards, but under forty-five years, who are unmarried, or widowers without children;

Third. The *third* Class shall comprise those of the age of eighteen years and upwards, but under forty-five years, who are married, or widowers with children;

Fourth. The *fourth* Class shall comprise those of the age of forty-five years and upwards, but under sixty years;

Order for service. And the above shall be the order in which the male population shall be called upon to serve.

DIVISION

DIVISION OF MILITIA.

6. The Militia shall be divided into Active and Reserve Militia: Division.

The *Active Militia* shall consist of the *Volunteer Militia*, the *Regular Militia*, and the *Marine Militia*: Active.

The Volunteer Militia shall be composed of Corps raised by voluntary enlistment; Volunteer.

The Regular Militia shall be composed of men who voluntarily enlist to serve in the same; or of men balloted to serve; or of men who voluntarily enlist to serve with the balloted men and of men balloted to serve; Regular.

The Marine Militia shall be composed of seamen, sailors, and persons whose usual occupation is upon any steam or sailing craft, navigating the waters of the Dominion; Marine.

The *Reserve Militia* shall consist of the whole of the men who are not serving in the Active Militia of the time being. Reserve.

PERIOD OF SERVICE.

7. Every Volunteer Corps duly authorized previously to and existing on the day on which this Act shall come into force, including the Officers commissioned thereto, shall for the purposes of this Act be held to be existing and shall be continued as such, subject to the provisions of this Act; and within three months after the day on which this Act shall come into force, all such Corps shall be mustered by their Captains or Commanding Officers, the provisions of this Act shall be explained to them, and such of the men as have not previously given notice of their desire to be discharged, shall take the Oath hereinafter prescribed, and be re-enrolled as Volunteer Militia, and each man shall sign a Muster Roll; and thereafter such men of any Volunteer Corps, in any Regimental Division, as complete three years continuous service in such Corps, or complete three years including any previous continuous service in the same corps immediately before such muster, or had served three years continuously in such corps immediately before such muster, and are discharged after giving the required notice, shall not be liable to be balloted for any period of drill or training of the Active Militia, until all the other men in the first, second and third classes of Militiamen in the Company Division within which they reside, have volunteered or been balloted to serve. Existing Volunteer Corps continued. Muster thereof, within three months. Men willing to serve to sign a Roll. Exemptions in favour of such as complete their period of service.

8. No member of a Volunteer Militia Corps, enrolled or re-enrolled under this Act, shall be permitted to retire therefrom in time of peace, without giving to his Commanding Officer six months' notice of his intention. Notice before retiring.

9. Hereafter the period of service in the Volunteer Militia in time of peace shall be three years. Period of service.

And in Regular Militia.

10. The period of service required of the Regular and Marine Militia in time of peace shall be two years, and thence until other men are taken to serve in their stead, or they are relieved by order of Her Majesty; and such of the men as are enrolled in any Service Company of Regular or Marine Militia, for drill and training during any such two years, shall not again be liable to be taken for drill and training, until all the other men in the first, second, and third classes of Militiamen, in the same Company division, have volunteered or been balloted to serve.

Exemptions in favour of men serving two years.

And of Volunteers or Regular Militiamen, having already served their period.

11. Any Volunteer or Regular Militiamen who shall have completed within the year immediately preceding the day on which this Act shall come into force, the full term of continuous service, according to the tenor of their articles of engagement, in the case of Volunteers, or the period of drill and training for which they were taken, in the case of Regular Militiamen, under the laws then existing in any of the Provinces within this Dominion, shall be entitled to such exemption as is accorded to Active Militiamen who complete any period of drill or training under this Act; save and except that the men who have been balloted under authority of chapter two of the Statutes of the late Province of Canada, passed in the twenty-seventh year of Her Majesty's Reign, and of the amendments thereto, shall be liable to serve until replaced by Active Militiamen organized under this Act, but shall not thereby be exempt from liability, if balloted to serve in any quota of Militiamen required at any time to be organized under this Act.

Exception, as to men balloted under Act of Prov. of Canada, 27 V. c. 2.

MILITARY DIVISIONS.

Military Districts.

12. Her Majesty may divide Canada into nine Military Districts, viz: one comprising the Province of Nova Scotia, one comprising the Province of New Brunswick, three in the Province of Quebec, and four in the Province of Ontario.

Number and limits may be altered by H. M.

13. Her Majesty may alter the Districts, specified in the next preceding section, and increase or diminish the number thereof as may be deemed necessary: and may name the territorial divisions which shall form each of the three Military Districts of Quebec, and each of the four Military Districts of Ontario, and may alter the same from time to time.

Regimental, Brigade and Company Divisions.

Power to alter, &c.

Proviso.

14. Her Majesty may, from time to time, divide each Military District into such number of Regimental and Brigade Divisions as may be deemed expedient, and may subdivide such Regimental Divisions into Company Divisions;—and may, from time to time, alter such Divisions or increase or diminish the number thereof; but all Military Districts and Divisions existing on the day on which this Act shall come into force shall be continued as such, until altered under the provisions of this Act.

ENROLMENT.

Through what officers, orders, &c., relating

15. For each Regimental Division there shall be appointed from the residents therein, one Lieutenant-Colonel and two Majors

Majors of Reserve Militia; but such Officers may be appointed from among non-residents in the Regimental Division in exceptional cases in which it shall appear to Her Majesty that such appointments will be more conducive to the interest of the Militia service; All orders and reports, relating to the enrolment at any time of Militiamen within the Regimental Division, shall be sent to, and received through and be acted on by the Lieutenant-Colonel, or in his absence through the senior Major of the Division, for the time being, who shall act instead of the Lieutenant-Colonel during such absence: to enrolment shall be sent, &c., for Regimental Divisions.

2. And for each Company Division there shall be appointed from the residents therein, one Captain, one Lieutenant and one Ensign of Reserve Militia; and all orders and reports relating to the enrolment at any time of Militiamen within the Company Division shall be sent to, and acted on by the Captain; or in his absence they shall be sent to the next senior Officer of the Company Division, for the time being, who shall act instead of the Captain during such absence. And for Company Divisions.

16. The enrolment of the Militia shall be made in each Company Division by the Captain thereof, with the assistance of the Officers and non-commissioned officers of the Company Division;—and it shall be the duty of the Captain, and under his orders, of the other Officers and non-commissioned officers of the Company Division, by actual enquiry at each house therein, and by every other means in their power, to make and complete, on or before the twenty-eighth day of February, in the year one thousand eight hundred and fifty nine, and on or before the twenty-eighth day of February in each alternate year thereafter, a corrected roll, in duplicate, of the names of all the men in the different classes resident within the Company Division, specifying separately those who are seamen or sailors, or persons engaged in or upon any steam or sailing craft upon the lakes or waters of the Dominion, those who are *bonâ fide* enrolled members of any Company of Volunteer Militia, and those who, after the day on which this Act shall come into force, shall have completed such a term of service in the Militia as will by law exempt them until they are again required in their turn to serve: How, when and by whom the enrolment shall be made. What it must shew.

2. One copy of such roll is to be retained by the Captain, and the other to be forwarded, on or before the first day of April following the taking of the enrolment, to the Lieutenant-Colonel of the Regimental Division, which last-named Officer shall cause a copy of all the rolls of Militiamen in the several Company Divisions within the Regimental Division to be forwarded without delay to the Adjutant-General of Militia; but if from any cause the duties prescribed by this section cannot in any particular case be carried into effect within the time specified, a special Report of the facts relating to the delay shall be made to the Adjutant-General, who shall without delay fix another period within which the enrolment shall be completed and the rolls be forwarded; To be made in Duplicate. One copy to Adjt. General. Provision if Roll be not made in time.

Roll to be embodiment.

3. The enrolment shall be held to be an embodiment of all the militiamen enrolled, and shall render them liable to serve under the provisions of this Act, unless exempt by law.

EXEMPTIONS.

Persons exempt from enrolment and from serving at any time.

17. The following persons only, between the ages of eighteen and sixty years, shall be exempt from enrolment, and from actual service at any time:

The Judges of all the Courts of Law or Equity in the Dominion of Canada;

The Clergy and Ministers of all Religious denominations;

The Professors in any College or University and all Teachers in religious orders;

The Warden, Keepers and Guards of the Penitentiaries, and the Officers, Keepers and Guards of all public Lunatic Asylums;

Persons disabled by bodily infirmity;

The only son of a widow, being her only support;

Exempt except in special cases, but enrolled.

2. And the following, though enrolled, shall be exempt from actual service at any time except in case of war, invasion or insurrection:

Half-pay and Retired Officers of Her Majesty's Army or Navy;

Seafaring Men and Sailors actually employed in their calling;

Pilots and Apprentice Pilots during the season of navigation;

Masters of Public and Common Schools actually engaged in teaching;

Quakers, &c.

Conditions.

Any person bearing a certificate from the Society of Quakers, Menonists or Tunkers, or any inhabitant of Canada, of any Religious denomination, otherwise subject to Military duty, but who, from the doctrines of his Religion, is averse to bearing arms and refuses personal Military Service, shall be exempt from such service when balloted in time of peace, or war, upon such conditions and under such regulations as the Governor in Council may, from time to time, prescribe;

Exemption must be claimed.

3. No person shall have the benefit of exemption, unless he has, at least one month before he claims such benefit, filed with the Captain of the Company Division within the limits whereof he resides, his *Affidavit* made before some Magistrate (or

(or affirmation in cases where persons are allowed to affirm) of the facts on which he rests his claim;

4. Whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall be upon the claimant; Proof of Exemption

5. Exemption shall not prevent any person from serving, if he desires it and is not disabled by bodily infirmity. Not to prevent voluntary service.

ACTIVE MILITIA.

18. The Active Militia Force shall consist of Troops of Cavalry, Field Batteries of Artillery, Companies of Mounted Infantry, Companies of Engineers, Brigades and Batteries of Garrison Artillery, Battalions and Companies of Infantry, and Naval and Marine Corps, in such proportions as Her Majesty shall appoint; and the strength of each such Troop, Battery, Battalion, Company or Corps, shall be regulated, and officers appointed thereto, from time to time, by Her Majesty; Corps of which the Active Militia shal consist.

2. Her Majesty may make regulations for the enrolment of such horses as may be necessary for the purposes of Field Batteries of Artillery and Troops of Cavalry; Enrolling horses.

3. A military train, and a medical staff, as well as commissariat, hospital and ambulance Corps, may be formed whenever the exigencies of the service may require the same, at such places and in such manner, and of such strength, including the proper Officers, as Her Majesty may direct. Other corps when required.

19. Every Active Militiaman shall sign a service Roll in which the conditions of his service shall be stated; and every Officer of Militia, on appointment, and every non-commissioned officer and man, on enrolment, shall take the oath following: Signing Roll and taking oath of Allegiance.

"I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty." Form of oath.

Which oath may be administered by the Commanding Officer of the Corps, he having previously taken the oath before a Justice of the Peace. How administered.

20. Her Majesty may accept the services of Corps of Volunteers, under such regulations as may from time to time be made. Corps of Volunteers.

21. Any Volunteer Corps may enter into any articles of engagement and make Regulations not inconsistent with this Act, to be approved by Her Majesty; but the Commanding Officers of all Corps of Volunteer Militia shall be responsible that their Corps respectively are kept up to the full strength; and Articles of engagement of Volunteer Corps: they must be kept at full strength,

otherwise liable to be disbanded, &c.

and in the event of failure of any Corps to maintain such complement of men for each respectively as Her Majesty may consider necessary for its efficiency or of any Corps becoming inefficient, Her Majesty may disband such Corps; and may also disband any Corps of Volunteer Militia if considered necessary to do so.

BALLOTING.

Each Company in a Regimental Division to furnish its quota;

Company divisions to receive credit for men furnished.

Men drafted to be appointed to Corps, &c.

22. At any time when Militiamen are required to be drafted in any Regimental Division, each Company Division therein shall, subject to the provisions of the two sections immediately following the present section, contribute its quota according to the number of Militiamen on the rolls and liable to serve, of the class, or classes, from which the men are to be taken; and when Volunteer, or Regular, or Marine Militiamen, are accepted or taken or balloted to serve in any quota, the Company Division or Divisions furnishing the men shall receive credit therefor; and the Active Militiamen taken, or accepted, and enrolled for service, from time to time, in any Company or Regimental Division, shall be attached or appointed to such Companies, Corps, or Battalions of the Active Militia as Her Majesty may order:

If a Volunteer Corps is disbanded.

Service Companies.

2. When a Volunteer Corps in any Regimental Division for any cause ceases to exist, Her Majesty may make good the quota of that Division by the organization of Regular Militiamen to replace such Corps; and when Companies of Regular Militiamen are taken or balloted in any Regimental Division, they shall be called the Service Companies thereof;

Filling vacancies in Service Companies.

3. When by reason of death or removal, vacancies occur in any Service Company of Militia organized under this Act, such vacancies shall be filled by other men to be drawn from the Reserve Militia, in the same manner as the men for that Corps were originally supplied.

Provisions for balloting if the number of Volunteers are not sufficient for the *quota*.

Proviso: as to sons in one family.

23. When Active Militiamen are required to be organized at any time, either for drill or for actual service, and enough men do not volunteer in any Company Division to complete the quota required from that division, the men enrolled in the first class and liable to serve shall be first balloted, and if the number of men required to be balloted, is greater than the whole number of men in the first class, then the number requisite to make up the deficiency shall be taken from those in the second class, and if more men than the whole number in the first and second classes are still required, then the number requisite to make up the deficiency shall be taken from the third class, and in like manner, if more men than are in the first, second, and third classes, are still required, then the number requisite to make up the deficiency shall be taken from the fourth class; but at no time shall more than one son belonging to the same family residing in the same house, if there be more than one inscribed

inscribed on the Militia Roll, be drawn, unless the number of names so inscribed be insufficient to complete the required proportion of service men :

2. Any man not taken for service for the time being in any Corps organized in the Regimental Division in which he resides, may volunteer to serve in any Corps in any Regimental Division contiguous thereto, and in such case the Company Division in which he resides, shall have credit for such volunteer; and the man shall, on completing his full period of service, be entitled to the same exemption in his Company Division, as though he had served with men raised therein for the same period.

Men not taken for service may volunteer in adjacent Regimental Division.

Exemption on completing his service.

24. When any Company Division shall have furnished more men than its quota, as compared with other Company Divisions in the same Regimental Division, such Company Division shall not again be called upon in time of peace for more men, until the other Company Divisions have supplied men to equalize the proportion for each, according to the number of names inscribed on the Militia Rolls thereof respectively.

When a Company Division has furnished more than its *quota*.

25. The Governor in Council may from time to time make regulations for taking the enrolment and ballot; for fixing the day on which the taking of the enrolment shall be commenced in each of the several Military Districts respectively; for notifying the men liable to be taken, or those balloted in any Company Division for service in any quota; for finally deciding claims of applicants for exemption, and for the administration of Oaths before Justices of the Peace or the Commanding Officer of a Corps, to ascertain any facts in reference to such claim of exemption; for medical examinations; and for the discharge of such men as are unfit to serve; and relating to every other matter and thing not inconsistent with this Act, and necessary to be done, in the enrolling, balloting, warning and bringing into service, of such numbers of the Volunteer, the Regular, the Marine, or the Reserve Militiamen in any Company Division as are required at any time; but any Militiaman balloted and notified for service may, at any time, be exempt, until again required in his turn to serve, by furnishing an acceptable substitute, on or before the day fixed for his appearance, or, in time of peace, by forthwith paying to the Captain of the Company Division within which he resides, the sum of thirty dollars, which said sum, shall by the Captain be paid to another man who is approved, and is willing to serve as substitute for such balloted man; but, if during any period of service, any man who is serving in the Active Militia as a substitute for another, shall become liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the Militiaman in whose stead he was serving.

Regulations respecting ballot, enrolment, &c. to be made by Governor in Council.

Exemption on providing a substitute, on payment of $30.

If the substitute is drawn his principal must supply his place.

26.

Service man attaining 45 years.

26. Any Active Militiaman who may, during any period of service, attain the age of thirty years or forty-five years, according to his class, shall notwithstanding be required to complete the full period for which he volunteered or was balloted to serve.

IN AID OF THE CIVIL POWER.

By whom Active Militia may be called out.

27. The Corps composing the Active Militia shall be liable to be called out with their arms and ammunition in aid of the Civil Power in case of riot or other emergency requiring such services, whether such riot or emergency occurs within or without the Municipality in which such Corps is raised or organized; and it shall be the duty of the Deputy Adjutant General of the District, or failing him, of the Brigade Major, or failing him, of the senior Officer of the Active Militia present at any locality, to call out the same or such portion thereof as is necessary for the purpose of quelling any riot, when thereunto required in writing by the Mayor, Warden or other Head of the Municipality in which such riot takes place, or by any two Magistrates therein, and to obey such instructions as may be lawfully given him by any Magistrate in regard to such riot; and every Officer, non-commissioned officer and man of such Active Militia or any portion thereof, shall on every such occasion, obey the orders of his Commanding Officer; and the Officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of Office, be special constables, and shall be considered to act as such so long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their Military Commanding Officer only; and they shall, when so employed, receive from the Municipality in which their services are required, the following rates of pay, that is to say: Officers, the same pay as that of Officers of corresponding rank in Her Majesty's Service, with an additional sum to each mounted Officer of two dollars per day, and non-commissioned Officers and Privates the sum of one dollar each, per day, with an additional sum of one dollar per day for each horse actually and necessarily used or employed on such occasion, and they shall be also provided with proper lodging by such Municipality;—and the said sums, and the value of such lodging, if not furnished by the Municipality, may be recovered from it by the Officer Commanding the Corps, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

They must obey the call.

To be special Constables.

To be paid by municipality, and at what rates.

Recovery if not paid.

ADJUTANT GENERAL.

Qualification and appointment.

28. There shall be appointed an Adjutant General of Militia for the Dominion of Canada, who shall be a person educated to the military profession, and who has attained the rank of Field Officer in Her Majesty's regular army:

2.

2. The Adjutant General shall have the rank of Colonel in the Militia, and shall be charged, under the orders of Her Majesty, with the military command and discipline of the Militia, and shall be paid at the rate of three thousand dollars per annum; Rank, command and pay.

3. The Governor in Council shall, from time to time, make such orders as may be necessary, respecting the duties to be performed by the Adjutant General of Militia, and by the Officers of the Militia generally. Duties.

29. There shall be a Deputy Adjutant General of Militia at Head Quarters, who shall have the rank of Lieutenant Colonel in the Militia; and who shall be paid at the rate of two thousand two hundred and forty dollars per annum: D. A. G. at Head Quarters. Rank and pay.

DISTRICT STAFF.

30. In and for each of the nine Military Districts mentioned in section twelve of this Act, there shall be appointed one Deputy Adjutant General of Militia, who shall have the rank of Lieutenant Colonel, and who shall command the Militia in his District; and he shall be paid at the rate of one thousand two hundred dollars per annum. D. A. G. in each Military District. Pay.

2. There shall also be appointed in each of the Military Districts aforesaid such staff Officers and such other Officers as may be necessary; and the salaries of such Officers shall be fixed by the Governor in Council. Staff and other officers. Pay.

OFFICERS.

31. Commissions of Officers in the Militia shall be granted by Her Majesty during pleasure, and all non-commissioned officers in the Militia shall be appointed by the Officer commanding the Corps or Battalion to which they belong, and shall hold their rank during pleasure: Commissions: non-commissioned Officers.

2. Commissions of officers in the Militia, except the Adjutant General and Deputy Adjutants General, need not be enregistered at full length, but a record of them shall be kept in the Office of the Adjutant General. Commissions need not be enregistered in full: exception

32. Officers holding Commissions in the Militia in any of the Provinces of the Dominion, on the day on which this Act shall come into force, may be placed on the retired list, with or without a step of honorary rank to those below the rank of Lieutenant Colonel; and Her Majesty may appoint Officers from the retired list to Commissions in the Militia; but no Officer from the retired list shall be bound to serve in the Militia in a lower grade than that of his retired rank. Officers holding commissions when this Act passes. Proviso.

33,

Conditions of appointment as regards qualification.

33. No person shall be appointed an Officer in the Active Militia, except provisionally, until he has obtained a certificate of fitness from one of the Military Schools of the Dominion or a Board of Officers of the Active Militia, to be constituted as Her Majesty may appoint; or unless he had obtained a certificate, from one of the Schools of Military Instruction, heretofore established in the late Province of Canada, or from any Board of Officers which had been appointed for that purpose in any of the Provinces of the Dominion; and Her Majesty may prescribe conditions as to the qualification of Officers of different grades, by General Order; and may order the assembling of such Boards, as often as may be expedient; and may dispense with the conditions of this section in the case of men who have served as Officers or non commissioned Officers in Her Majesty's regular army:

Certificates from Schools of Military Instruction, &c.

Boards for examination.

Rank limited in peace time.

Proviso.

2. In time of peace no person except the Adjutant General shall hold higher rank in the Militia than that of Lieutenant-Colonel, but Officers at the time when this Act shall come into force, holding the rank of Colonel, shall retain the same;

And when called out.

3. Her Majesty may, however, when the Militia is called out, and the exigencies of the service so require, appoint therein Colonels and other Officers of superior rank, in no case to exceed that of Major General.

Staff Officers.

34. Her Majesty may appoint Staff Officers of the Militia with such rank as from time to time may be found requisite or necessary for the efficiency of the Militia service; and such Staff Officers shall have such rank and authority in the Militia as are held relatively in Her Majesty's service, and their duties shall be such as may from time to time be prescribed.

Relative rank of officers.

Proviso.

35. The relative rank and authority of Officers in the Militia of Canada, shall be the same as the relative rank and authority of Officers in Her Majesty's regular army; and any Body of Militia assembled on parade, shall be commanded by the Officer highest in rank then present, on duty and in uniform, or the senior of two or more Officers of equal rank; provided that no Officer whose rank is provisional only shall under any circumstances command an Officer of the same grade whose rank is substantive.

Officers of H. M. army to command Militia officers of like rank.

36. Officers of Her Majesty's Regular Army shall always be reckoned senior to Militia Officers of the same rank, whatever be the dates of their respective Commissions;—and Colonels appointed by Commission signed by the Commander of Her Majesty's Regular Forces in Canada, shall command Colonels of Militia, whatever be the dates of their respective Commissions.

CLOTHING,

CLOTHING, AND ARMS AND ACCOUTREMENTS.

37. Officers shall provide their own uniforms, arms and accoutrements; and the arms and accoutrements of all Officers on the Militia Staff, and of the Officers and men of the Active Militia, and the horses used by them as such, shall be exempt from seizure in execution and from distress and assessment; and the Officers, non-commissioned officers and men of the Active Militia, shall be exempt from serving as Jurors or Constables; and a certificate, under the hand of the Commanding Officer of any such Corps, shall be sufficient evidence of the service in his Corps of any Officer, non-commissioned officer or man. Officers to furnish their own. Exemptions from seizure. Exemptions of Active Militia.

38. The arms and accoutrements of the Officers and men of the Active Militia shall be such as Her Majesty shall from time to time direct; and no such arms and accoutrements of the men shall be left in their possession except by special authority. Quality of arms, &c.

39. The value of all such articles of public property as may have become deficient or damaged, while in possession of any Corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the Minister of Militia and Defence or by any other person authorized by him, from the Officer in command of such Corps; and the Officer commanding any Corps shall have power to recover the value of such articles of public property as have become deficient, or damaged while in possession of his Corps, otherwise than through fair wear and tear or unavoidable accident, from the man or men who may be responsible for the same. Responsibility for damages. Recovery of damages.

40. Such of the several Corps of Active Militia heretofore organized or hereafter to be organized, as may, for that purpose, be named and specified, shall be supplied with uniform clothing of such one and similar colour, pattern and design, as may be ordered for each arm of the service designated in this Act; and if necessary, such uniform clothing may be replaced in every successive period of five years from the original issue; and the said uniform clothing shall be delivered to the Officer commanding the Corps, to be by him delivered to the non-commissioned officers and privates, on such conditions and upon such security as may be directed; and Her Majesty may, from time to time, make such regulations in respect to the uniform clothing, and may prescribe penalties for any infraction of such regulations as may be deemed necessary or expedient; but nothing herein contained shall prevent the re-supplying of clothing within the period aforesaid in special cases. Uniform clothing. Renewal. Delivery. Regulations. Proviso.

41. The several Corps of Militia shall be furnished with arms and accoutrements, and the same shall be kept in public armories, Arms and accoutrements.

Safe keeping. armories, wherever there are such; and where there are no such public armories, and until the same are provided, the Officer commanding each Corps shall himself actually keep the arms and accoutrements in a good and sufficient building, provided with suitable arm racks and provision for the care thereof, and shall be personally responsible for such arms and accoutrements; and the Officer commanding any such Corps may, in the discretion of the Governor in Council, be allowed annually, such sum for the care of such arms and accoutrements as may appear proper for the same; and no Arms or Accoutrements shall be taken or removed from any such public armoury, or from the care of such Commanding Officer, except under such regulations as may be made in respect to the same by Her Majesty.

Allowance for care of.

Regulations as to removal.

Militiaman leaving Canada to return clothing, &c.

42. Any man serving in the Active Militia who may require to leave Canada shall first return to the Captain of his Company all articles of public clothing, or public property which he may have had in his possession, and shall obtain a written discharge from the Commanding Officer of his Corps; and any Militiaman who may leave Canada, with any articles of public clothing or other public property in his possession, shall be guilty of embezzlement, and may be tried for the same at any subsequent time; and a record in the books of his corps of his having so received and not having returned any articles of public clothing or other public property, shall be evidence of possession; and he shall be entitled to quittance by certificate and to see it recorded in the books of his corps on returning such articles.

Penalty.

Proof.

Receipt on delivery.

When only to appear in uniform.

43. No Corps of the Active Militia, and no non-commissioned officer or private shall at any time appear in uniform or armed or accoutred, except when on duty or *bonâ fide* at parade or drill or at target practice, or at Reviews or on Field-days or Inspections, or by order of the Commanding Officer.

DRILL AND TRAINING.

40,000 Militiamen to be trained yearly in time of peace: how selected.

44. In time of peace there shall be trained and drilled annually, for such periods as are authorized by this Act, and under such regulations as Her Majesty may, from time to time prescribe, the Officers of Militia mentioned in the three following sections, and forty thousand Active militiamen; and Her Majesty shall from time to time by General Orders, designate the Regimental Divisions required to furnish the men for purposes of such training and drill: but in any Regimental Division where, in proportion to the number of names inscribed on the Militia Rolls, as compared with other Regimental Divisions, Volunteers are organized and perform the regulated drills for Volunteers, Her Majesty may dispense with the annual training and drill of such a number of Regular Militia as, with the Volunteers, are in excess of the quota

Proviso: as to Regimental divisions in which there are Volunteers.

quota which would otherwise be required in that Regimental Division.

Volunteer Militia.

45. Her Majesty may order the Officers, non-commissioned officers, and privates of the several Corps of the Volunteer Militia or any portion thereof to drill for a period not exceeding sixteen days nor less than eight days in each year: and for each day's drill of three hours, every officer, non-commissioned officer and private shall receive fifty cents; and the non-commissioned officers and privates of mounted Corps, shall receive for each day's drill of three hours, seventy-five cents for each horse that has taken part in such drill. Drilling Offic and men of Volunteers. Pay. Horses.

Regular Militia.

46. Her Majesty may order to assemble, for a period not exceeding sixteen nor less than eight days in each year, all the Officers, non-commissioned officers and privates of the Service Companies of the Regular Militia required for service, and the Officers of the Reserve Militia, or any portion thereof, at such times and places as may be thought proper, for drill and exercise: and for each day's drill of three hours every Officer, non-commissioned officer and private shall receive fifty cents; and the non-commissioned officers and privates of mounted Corps, shall receive for each day's drill of three hours, seventy-five cents for each horse that has taken part in such drill. The same of Service Militia. Pay. Horses.

Marine Militia.

47. Her Majesty may order the Officers and men of the Marine Militia, or any portion thereof, to be trained and drilled for a period not exceeding sixteen days, nor less than eight days in each year, at such times and places, and in such manner, as may be thought proper; and for each day's drill every Officer and Man shall receive fifty cents. The same of Marine Militia. Pay.

48. Payments for drill, shall be made only upon proof of compliance with such regulations touching such drill, and the efficiency of the several Corps, as Her Majesty may order; and any officer, non-commissioned officer or private, absent from drill, shall forfeit his pay therefor. Payments, conditions of.

49. Her Majesty may, from time to time, appoint competent persons to instruct and drill the Militia, and may award such remuneration therefor as the Governor in Council may order. Drill Instructors. Pay.

50. Such of the Officers and men of any Corps of the Active Militia as reside within two miles of the place appointed for drill, may assemble or be ordered out by the officer commanding it for drill or exercise, at other times than when performing the Occasional drill without pay.

the annual drills, under regulations to be approved by Her Majesty, and without receiving any pay therefor.

Dispensing with drill and training, in any year.

51. Her Majesty may, by any General Order, dispense with the drill or training of any Corps or part of a Corps of the Active Militia, either in any particular year or until further order, and may, in like manner, again direct such drill and training, or either of them, to be resumed if it may seem fit, and any such order shall have the force of law according to the terms thereof; and Her Majesty may also dispense with the formation, or drill and training, of service Companies of the Regular Militia in remote portions of Districts.

Remote parts of districts.

INSPECTIONS.

Inspections.

52. The several Corps of the Active Militia shall be subject to such inspections, from time to time, as Her Majesty may direct.

RIFLE RANGES AND DRILL SHEDS.

Rifle Ranges, &c.

Land.

Practice.

Penalties.

Inspection: compensation for damages.

53. At, or as near as may be to the head-quarters of every Regimental Division, there may be provided a Rifle Range with suitable butts, targets, and other necessary appliances; and Her Majesty may order the appropriation of such land as may be necessary for the same at a proper valuation, and may stop, at such time as may be necessary during the target practice of the Active Militia, the traffic on any roads not being Mail Roads that may cross the line of fire, and may make such other regulations, for conducting target practice and registering the results thereof, and for the safety of the public, as may be necessary, and may impose penalties for wilful damage to any such butts, targets and appliances; and all such Ranges shall be subject to inspection and approval before being used, and the owners of private property shall be compensated for any damage that may accrue to their respective properties from the use of any such Rifle Range.

Aid to Local authorities for Drill Sheds, &c.

54. The Governor in Council may, from time to time, make regulations relating to the conditions upon which Government aid shall be granted towards the construction, by the local authorities, of Drill Sheds and armouries, in any Regimental Division, and the use thereof by the militia.

SCHOOLS OF MILITARY INSTRUCTION.

To be established in each Province.

55. For the purpose of enabling Officers of the Militia, or candidates for Commissions or promotion in the Militia, to perfect themselves in a knowledge of their military duties, drill and discipline, there may be established Schools of Military Instruction in each Province of the Dominion, and for that purpose arrangements may be entered into with

with the Officer Commanding Her Majesty's Forces in British North America, for the best means of effecting the same in connection with any Regiment or Regiments of Her Majesty's Forces or otherwise; and all necessary Rules and Regulations, as to the terms upon which such instruction may be compensated for, and generally for the advancement of Military Education amongst the Officers and Candidates for Commissions as aforesaid, may be made by the Governor in Council. Regulations by Governor in Council.

56. Her Majesty shall, from time to time, from among the applicants for such purpose, select such persons in each Province of the Dominion as may be fit to attend such schools of Military Instruction, and if necessary remove them; and the allowances to be paid to such persons during their stay at the school, and the period for which they shall undergo such instruction, shall be regulated by the Governor in Council; and every person who shall enter upon the course of Military Instruction as hereinbefore provided, shall thereupon and thenceforth, and for the period prescribed in such regulations, upon his signing a Roll of Entry for such instruction, be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and Articles of War, and to such other Orders, Rules and Regulations, of whatever nature or kind, to which Her Majesty's Troops are subject. Selection of pupils. Allowance. Obligations of pupils: signing Roll.

57. Her Majesty may, from time to time, order any persons who have obtained final certificates in any School of Military Instruction and whether the same be Commissioned Officers or not, to attend a Camp or Camps of Instruction at such time and place in Canada, and for such period as may for such purpose be prescribed, and Her Majesty may make all necessary rules and regulations for the command, and discipline and good management of such Camp or Camps and for the mode of instruction thereat; and the allowances to be paid to such persons during their stay at the same shall be fixed by the Governor in Council; and every person who shall report himself at such Camp or Camps, and shall sign a Roll of Entry thereat, shall thereupon and thenceforth and for the duration of such Camp or Camps, be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and Articles of War, and to such other Orders, Rules and Regulations, of whatever nature or kind to which Her Majesty's Troops are subject. Camps of instruction. Regulations. Allowances. Signing Roll. Subject to mutiny Act, &c.

RIFLE AND DRILL ASSOCIATIONS.

58. Her Majesty may sanction the organization of Rifle Associations, and of associations for purposes of Drill and of independent Companies of Infantry composed of professors, masters or pupils of Universities, Schools or other public Institutions, or of persons engaged in or about the same, or of Militia Officers, or of men on the Militia Rolls, under such regulations Associations may be sanctioned.

regulations as may, from time to time, be approved by Her Majesty; but such Associations or Companies shall not be provided with any clothing or allowance therefor.

Proviso.

MILITARY INSTRUCTION IN SCHOOLS AND COLLEGES.

Arms, &c., for pupils.

59. There shall be furnished to every Normal School, University, College or School in Canada, in which there shall be instituted classes of instruction in Military Drill and Exercises under regulations prescribed by Her Majesty, arms and accoutrements necessary for the instruction of the pupils thereof over the age of twelve years.

CALLING OUT THE MILITIA.

Commanding Officer may call out on sudden emergencies.

60. The Officer commanding any Military District or Division, or the Officer commanding any Corps of Active Militia, may, upon any sudden emergency of invasion or insurrection, or imminent danger of either, call out the whole or any part of the Militia within his command, until the pleasure of Her Majesty is known, and the Militia so called out by their Commanding Officer shall immediately obey all such orders as he may give, and march to such place within or without the District or Division as he may direct.

H. M. may call out in case of war, &c.

Period of service.

61. Her Majesty may call out the Militia or any part thereof for actual service, either within or without the Dominion, at any time, whenever it appears advisable so to do by reason of war, invasion or insurrection, or danger of any of them; and the Militiamen, when so called out for actual service, shall continue to serve for at least one year from the date of their being called out for actual service, if required so to do, or for any longer period which Her Majesty may appoint:

Militiamen for reliefs.

2. Her Majesty may, from time to time, direct the furnishing by any Regimental Division, of such number of Militiamen as may be required either for reliefs, or to fill vacancies in Corps on actual service;

Militia called may be commanded by Commander of H. M. Forces.

3. Whenever the Militia or any part thereof are called out for actual service by reason of war, invasion, or insurrection, Her Majesty may place them under the orders of the Commander of Her Regular Forces in Canada.

Period of service.

May be extended in case of necessity

62. In time of war no man shall be required to serve in the field continuously for a longer period than one year; but any man who volunteers to serve for the war or for any longer period than one year shall be compelled to fulfil his engagement; but Her Majesty may, in cases of unavoidable necessity (of which necessity Her Majesty shall be the sole judge), call upon any Militiaman to continue to serve beyond his period of general service, or voluntary engagement, or beyond his one year's service in the field, for any period not exceeding six months.

63.

63. Whenever the Militia or any part, or Corps thereof, shall be called out for actual service, the Officers, non-commissioned officers and men so called out shall be paid at such rates of daily pay as are paid to Officers, non-commissioned officers and men of the relative and corresponding grade in Her Majesty's Service, or such other rates as may for the time being be fixed by the Governor in Council. Pay of Militia when called out.

64. The Active Militia shall be subject to the Queen's Regulations and Orders for the army; and every Officer and man of the Militia shall, from the time of being called out for actual service, and also during the period of annual drill or training under the provisions of this Act, and also during any drill or parade of his corps at which he may be present in the ranks or as a spectator, and also while wearing the uniform of his Corps, be subject to the Rules and Articles of War and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's Troops in Canada, and not inconsistent with this Act; except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also that Her Majesty may direct that any provisions of the said laws or regulations shall not apply to the Militia Force; but any Officer, non-commissioned officer or man charged with any offence committed while serving in the Militia, shall be held liable to be tried by Court Martial, and if convicted to be punished therefor, within six months after his discharge from the Militia or after the Corps to which he belongs or belonged is relieved from actual service, notwithstanding that he shall have been so discharged from the Active Militia, or that the Corps to which he belonged shall have been so relieved from actual service: and any Officer, non-commissioned officer or private of the Militia may be tried for the crime of desertion at any time, without reference to the length of time which may have elapsed since his desertion. Active Militia to be subject to H. M's. Regulations and to articles of War when called out &c. Exception. Exception. Trial by Court Martial after discharge or relief. Trial for desertion.

65. It shall be the duty of the Captain or other Officer commanding any company of Active Militia, with the assistance of the Officers and non-commissioned officers of his Company, to make and keep at all times a correct Roll of the Company in such form as Her Majesty may direct; and it shall be the duty of the Lieutenant-Colonel or other Officer commanding any battalion of Active Militia, and under him especially of the Adjutant, to see that the Company Rolls above referred to are properly made out, and corrected from time to time by the Captains or other Officers commanding companies in such Battalion, and to report such Officers as fail to perform their duty in this respect. Keeping Rolls of each Company. Duty of Commanding Officer and of Adjutant.

66. Each Militiaman called out for actual service shall attend at such time and place as may be required by the Officer commanding him, with any arms, accoutrements, ammunition and equipment he has received, and with such provisions as such officer may direct. Attendance at rendez-vous.

Absence for 7 days, desertion.

67. Any Militiaman who when called out for actual service, shall without leave absent himself from his Corps, for a longer period than seven days, may be tried by Militia Court Martial as a deserter.

Provision for family of men killed.

68. When any Officer or man is killed in actual service, or dies from wounds or disease contracted on actual service, provision shall be made for his wife and family out of the public funds:

And for men permanently disabled.

2. And all cases of permanent disability, arising from injuries received or illness contracted on actual service, shall be reported on by a Medical Board, and compensation awarded, under such regulations as may be made from time to time by the Governor in Council; and any medical practitioner who shall sign a false certificate in any such case, shall incur a penalty of four hundred dollars.

REGULATIONS FOR BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &C., FOR THEIR TRANSPORT AND USE.

Governor in Council to make regulations.

69. The Governor in Council may make regulations for the billeting and cantoning of Troops and Militia when on active service, for the furnishing of carriages, horses and other conveyance for their transport and use, and for adequate compensation therefor; and may by such regulations impose fines not exceeding twenty dollars, and imprisonment in cases of default of payment of such fines.

Penalty for refusing conveyance.

70. Any person lawfully required under this Act, or by any regulation made under the authority thereof, to furnish any railway car or engine, boat or other craft, for the conveyance or use of any Troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty not exceeding four hundred dollars for each such offence.

Not to be quartered on Nuns.

71. Nothing in this Act contained or in any regulations made under the authority thereof shall be construed to authorize the quartering or billeting of any Troops or Militia, either on a march or in cantonment, in any Convent or Nunnery of any Religious Order of Females, or to oblige any such Religious Order to receive such Troops or Militia, or to furnish them with lodging or house room.

COURTS OF ENQUIRY AND COURTS MARTIAL.

H. M. may convene Courts of Inquiry.

72. Her Majesty may convene Courts of Enquiry and appoint Officers of the Militia to constitute such Courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, and with the conduct of any Officer, non-commissioned officer or private of the

the force; and shall have power at any time to convene Militia Courts Martial and to delegate power to convene such Courts, and to appoint Officers to constitute the same, for the purpose of trying any Officer, non-commissioned officer or private of the Militia for any offences under this Act, but no Officer of Her Majesty's regular army on full pay shall sit on any Militia Court Martial.

And Courts Martial.

Proviso.

73. The regulations for the composition of Militia Courts of Enquiry and Courts Martial, and the modes of procedure and powers thereof, shall be the same as the regulations which may at the time be in force for the composition, modes of procedure and powers, of Courts of Enquiry and Courts Martial for Her Majesty's regular army, and which are not inconsistent with this Act; and the pay and allowances of Officers and others attending such Courts may be fixed by the Governor in Council.

Regulations respecting, and powers, &c., of such courts.

74. No Militia Officer or Militiaman shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy;—and no sentence of any General Court Martial shall be carried into effect until approved by Her Majesty.

Sentence of death in certain cases only.

OFFENCES AND PENALTIES.

75. Any Officer commanding a Corps of Militia, who shall knowingly claim pay on account of any drills performed with his Corps, for any man belonging to any other Corps of Militia, shall be guilty of a misdemeanor, and shall likewise be liable to be tried and punished by Court Martial; and any Officer commanding a Corps of Militia, who shall include in any parade state or other Return, any man not duly enrolled and attested as a Militiaman, shall be guilty of a misdemeanour, and shall be likewise liable to be tried and punished by Court Martial; and any non-commissioned officer or private of the Militia who may claim or receive pay on account of any drill performed in the ranks of any other than his own proper Corps, shall be guilty of a misdemeanour, and shall likewise be liable to be tried and punished by Court Martial.

Claiming pay for drills not performed.

Including men not duly enrolled.

Claiming pay for drill performed with another Corps.

76. Any Officer or non-commissioned officer of the Militia who obtains, under false pretences, or who retains or keeps in his own possession, with intent to apply to his own use or benefit, any of the pay or moneys belonging to any Officer, non-commissioned officer or private of any Corps, shall be guilty of a misdemeanor, and shall be dismissed the service; and any Officer or non-commissioned officer who may sign a false parade state, roll, or pay-list, or any false return whatever, shall be guilty of a misdemeanour, and shall be likewise liable to be tried by Court Martial for the offence; and any person making

Fraudulently retaining pay of men.

Signing false parade state, roll, &c.

Falseswearing, &c. making an Affidavit or Declaration required in and by this Act, or by any regulation made under the authority thereof, and swearing or declaring falsely therein, shall be guilty of perjury.

Refusing to give information: or giving false. **77.** Any person of whom information is required by any Officer, or non-commissioned officer, making any Militia Roll, in order to enable him to comply with the provisions of this Act, refusing to give such information or giving false information, shall forfeit and pay a penalty not exceeding twenty dollars for each item of information demanded of him and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated, and every person refusing to give his own name and proper information, when applied to as aforesaid, or giving a false name or information, shall forfeit and pay a penalty not exceeding twenty dollars :

Refusing to make enrolment, ballot, &c. 2. And any Officer or non-commissioned officer of the militia, refusing or neglecting to make any enrolment or ballot or to make or transmit, as herein prescribed, any roll or return, or copy thereof, required by this Act or by any regulation made under the authority thereof, shall incur a penalty, if an Officer, not exceeding fifty dollars, if a non-commissioned officer, not exceeding twenty-five dollars for each offence.

Men drafted, &c., refusing to take oath. **78.** Any militiaman, drafted or liable to be drafted for service, who shall refuse or neglect to take the oath hereinbefore prescribed, when tendered to him by a Justice of the Peace or by any Commissioned Officer in command of the Corps to which such militiaman belongs, or in whose District he resides, shall be subject to imprisonment for a period not exceeding six months, and for every subsequent neglect or refusal to take such oath shall be subject to a further imprisonment not exceeding twelve months ; and he may on due proof in either case be summarily committed upon the warrant of any two Justices of the Peace.

Personating others, at parade, &c. **79.** Any Officer, non-commissioned officer or private who shall falsely personate another at any parade of the Militia, or on any other occasion, for any of the purposes required by this Act, shall be liable to a fine not exceeding one hundred dollars and shall be guilty of a misdemeanour ; and any officer or non-commissioned officer of the Militia refusing or neglecting to assist his Commanding Officer in making any roll or return, or refusing or neglecting to obtain or to assist him in obtaining any information which he may require in order to make or correct any roll or return, shall incur a penalty, if an Officer, not exceeding fifty dollars ; if a non-commissioned officer, not exceeding twenty-five dollars for each offence ; and any person refusing or neglecting to give any notice or information necessary for making or correcting the Roll of any Company, which he is required by this Act to give to

Refusing to assist in making Rolls, &c.

Or to give information for them.

to the Commanding Officer of such Company or to any Officer or non-commissioned officer thereof demanding the same at any seasonable hour and place, shall incur a penalty of ten dollars for each offence.

80. Any Officer, non-commissioned officer or private of the Militia who, without lawful excuse, neglects or refuses to attend any parade or drill or training at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning such parade, drill or training, shall incur a penalty, if an Officer, of ten dollars, if a non-commissioned officer or private of five dollars, for each offence; and absence for each day shall be held to be a separate offence; and any person who interrupts or hinders any Militia at Drill, or trespasses on the bounds set out by the proper Officer for such Drill, shall incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person by the order of the Commanding Officer, until such Drill be over for the day; and any Officer, non-commissioned officer or private disobeying any lawful order of his superior Officer, or being guilty of any insolent or disorderly behaviour towards such Officer, shall incur a penalty, if an Officer of twenty dollars, if a non-commissioned officer or private of ten dollars for each offence.

Refusing to attend drill.

Hindering Militia at Drill.

Insolent or disorderly behaviour.

81. Any non-commissioned officer or private who fails to keep in proper order any arms or accoutrements delivered or intrusted to him, or who appears at drill, parade, or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence; and any person who unlawfully disposes of or removes any arms, accoutrements or other articles belonging to the Crown, or who refuses to deliver up the same when lawfully required, or has the same in his possession, except for lawful cause, (the proof of which shall lie upon him) shall incur a penalty of twenty dollars for each offence;—but this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid;—and any person charged with any act subjecting him to the penalty imposed by this section may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave Canada, carrying with him any such arms, accoutrements or articles.

Not keeping arms in proper order.

Disposing of them, &c.

Proviso.

Arrest, &c., by order of a J. P.

82. Any Officer, non-commissioned officer or private of the Militia who, when his Corps is lawfully called upon to act in aid of the civil power, refuses or neglects to go out with such Corps, or to obey any lawful order of his superior Officer, shall incur a penalty, if an Officer not exceeding forty dollars, if a non-commissioned

Refusing to aid the Civil power.

non-commissioned officer or private, not exceeding twenty dollars for each offence.

Resisting draft, &c.

83. Any person who resists any draft of men enrolled under this Act, or counsels or aids any person to resist any such draft, or in the performance of any service in relation thereto, or counsels any drafted man not to appear at the place of rendez-vous, or wilfully dissuades him from the performance of any duty required by law of Militiamen, shall, upon conviction thereof, be subject to a fine of not exceeding one hundred dollars, or to imprisonment not exceeding six months, or to both of the said punishments.

Contravening this Act in any way.

84. Any person who wilfully contravenes any enactment of this Act, shall, when no other penalty is imposed for such contravention, incur a penalty not exceeding twenty dollars for each offence; but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such.

RECOVERY OF PENALTIES.

How recoverable.

85. All penalties incurred under this Act shall be recoverable, with costs, by summary conviction on the evidence of one credible witness, on complaint or information before one Justice of the Peace; and in case of non-payment of the penalty immediately after conviction, the convicting Justice may commit the person so convicted and making default in payment of such penalty and costs, to the common jail of the territorial division for which the said Justice is then acting, or to some house of correction or lock-up house situate therein, for a period of not more than forty days when the penalty does not exceed twenty dollars, and for a period of not more than sixty days when it exceeds the last mentioned sum.

Imprisonment if not paid.

PROSECUTIONS.

On whose complaint only prosecutions should be brought.

86. No prosecution against an Officer of the Militia for any penalty under this Act or under any regulation made under the authority thereof, shall be brought except on the complaint of the Adjutant General; and no such prosecution against any non-commissioned officer or private of the Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Corps, or Captain of the Company or Corps to which such non-commissioned officer or private belongs;—but the Adjutant General may authorize any officer of Militia to make such complaint in his name, and the authority of any such Officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Adjutant General; and no such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless

Within what time.

it be for unlawfully buying, selling or having in possession arms, accoutrements or other articles delivered to the Militia, or for desertion.

87. Every bond to the Crown entered into before any Judge or Justice of the Peace, or officer authorized to take the same, by any person under the authority of this Act, or according to any General Order or Regulations made under it, for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, shall be valid and may be enforced accordingly. **Bonds under this Act to be valid.**

88. Every sum of money which any person or corporation is under this Act liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be a debt due to the Crown, and may be recovered as such. **Recovery of sums payable to the Crown.**

89. Every action and prosecution against any Officer or person, for any thing done in contravention to this Act, or to any regulation made under the authority thereof, shall be laid and tried in Quebec in the district, and in Ontario, New Brunswick and Nova Scotia, in the county, where the act complained of was done, and shall not be commenced after the end of six months from the date of such contravention, except as hereinbefore provided;—and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial;—and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought: **In what local jurisdiction actions, &c., shall be brought.** **General issue.** **Tender of amends.**

2. But no action or prosecution shall be brought against any Officer or person, for anything purporting to be done under the authority of this Act, until at least one month after notice in writing of such action or prosecution has been served upon him, or left at his usual place of abode; in which notice the cause of action, and the Court in which it is to be brought, shall be stated, and the name and place of abode of the Attorney endorsed thereon. **Actions for things done in pursuance of this Act.**

90. Every penalty when recovered shall be paid over to the Receiver General: but Her Majesty may remit any penalty incurred under the provisions of this Act. **H. M. may remit penalties.**

NOTICES, ORDERS, &C.

91. It shall not be necessary that any order or notice under this Act be in writing, unless herein required to be so, provided it be communicated to the person who is to obey or be bound by it, either directly by the Officer or person making or giving it, or by some other person by his order. **Orders, &c., need not be in writing, unless herein required so to be.**

92.

General Orders in Canada Gazette.

92. All General Orders of Militia, or other Militia Orders issued through or by the Adjutant General, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*;—and a copy of the said Gazette purporting to contain them shall be evidence of such orders.

Notifying orders.

93. Every Order made by the Commanding Officer of any Corps of Militia, shall be held to be sufficiently notified to all persons whom it may concern by insertion in some newspaper published in the Regimental Division, in which such Corps is situated, or, if there be no such newspaper, then by posting a copy thereof on the door of every place of public worship or of some other public place, in each Company Division affected by such orders.

Proof of commissions, &c.

94. The production of a Commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *primâ facie* evidence of such Commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such Commission, appointment, warrant or order.

EXPENDITURE.

Payments to be made by warrant.

Proviso.

95. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor to the Receiver General; but no sum of money shall be so paid unless it be included in some appropriation made by Parliament; and a detailed account of moneys so expended shall be laid before Parliament during the then next session thereof.

GENERAL POWER TO MAKE REGULATIONS.

Power to enforce fines.

96. The Governor in Council may make regulations relating to anything necessary to be done for the carrying into effect of this Act, and may by such regulations impose fines not exceeding twenty dollars each and imprisonment in case of default of payment of any such fine.

REGULATIONS.

Regulations to be published.

97. All regulations made under the authority of this Act shall be published in the *Canada Gazette*; and when so published, they shall have the force of Law as fully as if they were contained in this Act, of which they shall be deemed to form a part:

Certain Copies to be evidence.

2. All copies of such Regulations printed by the Queen's Printer shall be evidence of such regulations and of their contents,

contents, and every copy purporting to be printed by the Queen's Printer shall be deemed to be so printed, unless the contrary be shown, and shall be judicially noticed by all Judges, Justices of the Peace and others without being specially pleaded ;

3. All Regulations made under this Act, and an annual report of the state of the Militia, shall be laid before Parliament by the Minister of Militia and Defence, within the first thirty days of the then next session thereof. To be laid before Parliament.

INTERPRETATION.

98. The Interpretation Act shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act : Interpretation Act.

2. The word "Corps" shall, for the purposes of this Act, include any Field Battery, Brigade or Battery of Artillery, Troop of Cavalry, or any Company, Battalion, or Regiment. Word "Corps," explained.

REPEAL OF ACTS.

99. All Acts or parts of Acts relating to the Militia, in force in either of the Provinces which constitute the Dominion of Canada, repugnant to or inconsistent with the provisions of this Act, are hereby repealed. Inconsistent enactments repealed.

WHEN THIS ACT SHALL COME INTO FORCE.

100. This Act shall come into force on the First day of October next, or on such earlier day as may be appointed for that purpose in a Proclamation to be issued by the Governor General. Commencement of Act.

CAP. XLI.

An Act to make provision for defraying the expense of certain Works of Fortification required for the Defence of the Dominion.

[*Assented to 22nd May*, 1868.]

MOST GRACIOUS SOVEREIGN.

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Canada in Parliament assembled, having taken into consideration the Message of His Excellency the Governor General, bearing date the first day of May, in the year of Our Lord one thousand eight hundred and sixty-eight, recommending that provision should be made to the amount hereinafter mentioned, to defray the expense of constructing certain Preamble.

certain Works of Fortification for the Defence of the Dominion, and having resolved to make such provision, and for that purpose to grant to Your Majesty, the sums hereinafter mentioned,—do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that—

Power to raise loan of £1,100,000 stg., for the purposes of this Act.

How to rank on Con. Rev. Fund, &c.

1. It shall be lawful for the Governor in Council to authorize the raising by way of loan, upon the guarantee of such loan or of the interest thereon by the Commissioners of Her Majesty's Treasury, of such sums not exceeding in the whole the sum of one million one hundred thousand pounds sterling, as may be necessary for the purposes hereinafter mentioned; and the sums so raised, with the interest thereon, shall be a charge on the Consolidated Revenue Fund of Canada, next after the appropriation for the construction of the Intercolonial Railway, as shall also such sums as may be necessary to repay the said loan, either by way of a Sinking Fund not exceeding one per centum per annum on the principal sum so raised, or in such other way and subject to such conditions as the Governor in Council, with the assent of the Commissioners of Her Majesty's Treasury, may agree upon and determine.

Works to be constructed under this Act.

To be Public Works under 31 V. c. 12.

2. It shall be lawful for the Governor in Council, from time to time, to authorize the payment out of the sums to be raised under the authority of this Act, of such sums as may be necessary to defray the expense of constructing Works of Fortification for the Defence of the City of Montreal and other cities and places west of Montreal, and for the defence of the City of St. John, in the Province of New Brunswick; such works of defence to be Public Works within the purview of the Act of the present Session, intituled : *An Act respecting the Public Works of Canada*, and to be constructed under the provisions of the said Act.

Accounting clause.

3. A detailed account of all moneys raised and expended under the authority of this Act, shall be laid before the House of Commons during the first fifteen days of the Session of Parliament next after they are so raised or expended.

CAP.

CAP. XLII.

An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

1. There shall be a department to be called "The Department of the Secretary of State of Canada," over which the Secretary of State of Canada for the time being, appointed by the Governor General by commission under the Great Seal, shall preside ; and the said Secretary of State shall have the management and direction of the Department, and shall hold office during pleasure.. Department constituted. Tenure of office.

2. The Governor General may also appoint an "Under Secretary of State," and such other officers as may be necessary for the proper conduct of the business of the said Department, all of whom shall hold office during pleasure. Under Secretary and officers.

3. It shall be the duty of the Secretary of State to have charge of the State correspondence, to keep all State records and papers not specially transferred to other Departments, and to perform such other duties as shall from time to time be assigned to him by the Governor General in Council. General duties of Secretary.

4. The Secretary of State shall be the Registrar General of Canada, and shall as such register all Instruments of Summons, Commissions, Letters Patent, Writs, and other Instruments and Documents issued under the Great Seal. To be Registrar General.

5. The Secretary of State shall be the Superintendent General of Indian affairs, and shall as such have the control and management of the lands and property of the Indians in Canada. And Superintendent of Indian affairs.

6. All lands reserved for Indians or for any tribe, band or body of Indians, or held in trust for their benefit, shall be deemed to be reserved and held for the same purposes as before the passing of this Act, but subject to its provisions ; and no such lands shall be sold, alienated or leased until they have been released or surrendered to the Crown for the purposes of this Act. Indian Lands, to be under this Act. Alienation on certain conditions only.

7. All moneys or securities of any kind applicable to the support or benefit of the Indians or any tribe, band or body of Indians, and all moneys accrued or hereafter to accrue from the sale of Moneys, securities, timber, &c., applicable to Indians, to

be under this Act.

of any lands or of any timber on any lands reserved or held in trust as aforesaid, shall, subject to the provisions of this Act, be applicable to the same purposes, and be dealt with in the same manner as they might have been applied to or dealt with before the passing of this Act.

Conditions on which only, Indian lands may be surrendered, &c.

8. No release or surrender of lands reserved for the use of the Indians or of any tribe, band or body of Indians, or of any individual Indian, shall be valid or binding, except on the following conditions:

Consent of the chief or chiefs of the tribe.

1. Such release or surrender shall be assented to by the chief, or if there be more than one chief, by a majority of the chiefs of the tribe, band or body of Indians, assembled at a meeting or council of the tribe, band or body summoned for that purpose according to their rules and entitled under this Act to vote thereat, and held in the presence of the Secretary of State or of an officer duly authorized to attend such council by the Governor in Council or by the Secretary of State; provided that no Chief or Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near the lands in question;

Proviso: who may vote.

Certificate of assent to be forwarded to Secretary of State.

2. The fact that such release or surrender has been assented to by the Chief of such tribe, or if more than one, by a majority of the chiefs entitled to vote at such council or meeting, shall be certified on oath before some Judge of a Superior, County or District Court, by the officer authorized by the Secretary of State to attend such council or meeting, and by some one of the chiefs present thereat and entitled to vote, and when so certified as aforesaid shall be transmitted to the Secretary of State by such officer, and shall be submitted to the Governor in Council for acceptance or refusal.

Penalty for introducing liquor at any meeting for such assent.

9. It shall not be lawful to introduce at any council or meeting of Indians held for the purpose of discussing or of assenting to a release or surrender of lands, any strong or intoxicating liquors of any kind; and any person who shall introduce at such meeting, and any agent or officer employed by the Secretary of State, or by the Governor in Council, who shall introduce, allow or countenance by his presence the use of such liquors a week before, at, or a week after, any such council or meeting, shall forfeit two hundred dollars, recoverable by action in any of the Superior Courts of Law, one half of which penalty shall go to the informer.

Any surrender otherwise invalid, not hereby confirmed.

10. Nothing in this Act shall confirm any release or surrender which would have been invalid if this Act had not been passed; and no release or surrender of any such lands to any party other than the Crown, shall be valid.

11. The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom the moneys arising from sales of Indian Lands, and from the property held or to be held in trust for the Indians, or from any timber thereon, or from any other source for the benefit of Indians, shall be invested from time to time, and how the payments or assistance to which the Indians may be entitled shall be made or given, and may provide for the general management of such lands, moneys and property, and direct what percentage or proportion thereof shall be set apart from time to time, to cover the cost of and attendant upon such management under the provisions of this Act, and for the construction or repair of roads passing through such lands, and by way of contribution to schools frequented by such Indians. Governor in Council to direct the application of Indian moneys.

12. No person shall sell, barter, exchange or give to any Indian man, woman or child in Canada, any kind of spirituous liquors, in any manner or way, or cause or procure the same to be done for any purpose whatsoever;—and if any person so sells, barters, exchanges or gives any such spirituous liquors to any Indian man, woman or child as aforesaid, or causes the same to be done, he shall on conviction thereof, before any Justice of the Peace upon the evidence of one credible witness, other than the informer or prosecutor, be fined not exceeding twenty dollars for each such offence, one moiety to go to the informer or prosecutor, and the other moiety to Her Majesty to form part of the fund for the benefit of that tribe, band or body of Indians with respect to one or more members of which the offence was committed; but no such penalty shall be incurred by furnishing to any Indian in case of sickness, any spirituous liquor, either by a medical man or under the direction of a medical man or clergyman. Penalty for giving or selling liquor to Indians. How recovered and applied. Proviso: in case of sickness.

13. No pawn taken of any Indian for any spirituous liquor, shall be retained by the person to whom such pawn is delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian who has deposited the same, before any Court of competent jurisdiction. Pawns not to be taken from Indians.

14. No presents given to Indians nor any property purchased or acquired with or by means of any annuities granted to Indians, or any part thereof, or otherwise howsoever, and in the possession of any Tribe, band or body of Indians or of any Indian of any such Tribe, band or body, shall be liable to be taken, seized or distrained for any debt, matter or cause whatsoever. Presents, &c., not liable for debts.

15. For the purpose of determining what persons are entitled to hold, use or enjoy the lands and other immoveable property belonging to or appropriated to the use of the various tribes, bands or bodies of Indians in Canada, the following persons and classes of persons, and none other, shall be considered as What persons only shall be deemed Indians.

Indians

Indians belonging to the tribe, band or body of Indians interested in any such lands or immoveable property:

Firstly. All persons of Indian blood, reputed to belong to the particular tribe, band or body of Indians interested in such lands or immoveable property, and their descendants;

Secondly. All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians or an Indian reputed to belong to the particular tribe, band or body of Indians interested in such lands or immoveable property, and the descendants of all such persons; And

Thirdly. All women lawfully married to any of the persons included in the several classes hereinbefore designated; the children issue of such marriages, and their descendants.

How road labour shall be performed on Indian lands.

16. Indians and persons intermarried with Indians, residing upon any Indian Lands, and engaged in the pursuit of agriculture as their then principal means of support, shall be liable, if so directed by the Secretary of State, or any officer or person by him thereunto authorized, to perform labor on the public roads laid out or used in or through or abutting upon such Indian lands, such labor to be performed under the sole control of the said Secretary of State, officer or person, who may direct when, where and how and in what manner, the said labor shall be applied, and to what extent the same shall be imposed upon Indians or persons intermarried with Indians, who may be resident upon any of the said lands; and the said Secretary of State, officer or person shall have the like power to enforce the performance of all such labor by imprisonment or otherwise, as may be done by any power or authority under any law, rule or regulation in force in that one of the Provinces of Canada in which such lands lie, for the non-performance of statute labor; But the labor to be so required of any such Indian or person intermarried with an Indian, shall not exceed in amount or extent what may be required of other inhabitants of the same province, county or other local division, under the laws requiring and regulating such labor and the performance thereof.

Proviso.

None but persons deemed Indians to settle on Indian lands.

17. No persons other than Indians and those intermarried with Indians, shall settle, reside upon or occupy any land or road, or allowance for roads running through any lands belonging to or occupied by any tribe, band or body of Indians; and all mortgages or hypothecs given or consented to by any Indians or any persons intermarried with Indians, and all leases, contracts and agreements made or purporting to be made, by any Indians or any person intermarried with Indians, whereby persons other than Indians are permitted to reside upon such lands, shall be absolutely void.

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18. If any persons other than Indians or those intermarried with Indians do, without the license of the Secretary of State, (which license, however, he may at any time revoke,) settle, reside upon or occupy any such lands, roads or allowances for roads, the Secretary of State, or such officer or person as he may thereunto depute and authorize, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant signed and sealed, directed to the sheriff of the proper county or district, or if the said lands be not situated within any county or district, then directed to any literate person willing to act in the premises, commanding him forthwith to remove from the said lands or roads, or allowances for roads, all such persons and their families, so settled, residing upon or occupying the same; and such sheriff or other person shall, accordingly, remove such persons, and for that purpose shall have the same powers as in the execution of criminal process; but the provisions in this and the four next following sections shall extend to such Indian lands only, as the Governor, from time to time, by Proclamation published in the *Canada Gazette*, declares and makes subject to the same, and so long only as such proclamation remains in force.

Removal of unauthorised persons, settling on Indian lands, provided for.

Proviso.

19. If any person after having been removed as aforesaid returns to, settles upon, resides upon, or occupies, any of the said lands or roads or allowances for roads, the Secretary of State or any officer or person deputed and authorized, as aforesaid, upon view, or upon proof on oath made before him or to his satisfaction, that the said person has returned to, settled or resided upon or occupied any of the said lands or roads or allowances for roads, shall direct and send his warrant signed and sealed, to the Sheriff of the proper County or District, or to any literate person therein, and if the said lands be not situated within any County, then to any literate person, commanding him forthwith to arrest such person and commit him to the Common Gaol of the said County or District or to the Common Gaol of the nearest County or District to the said lands, if the said lands be not within any County or District, there to remain for the time ordered by such warrant, but which shall not exceed thirty days.

Arrest and imprisonment of persons so removed, if they return to the lands.

20. Such Sheriff or other person shall accordingly arrest the said party, and deliver him to the Gaoler or Sheriff of the proper County or District who shall receive such person, and imprison him in the said Common Gaol for the term aforesaid, there to remain without bail and without being entitled to the liberties or limits of the said Gaol.

Sheriff, &c., to arrest such persons.

21. The said Secretary of State, or such officer or person as aforesaid, shall cause the judgment or order against the offender to be drawn up, and such judgment shall not be removed by *Certiorari* or otherwise, or be appealed from, but shall be final.

Judgment;—it shall be final.

22.

Penalty on persons cutting timber or removing stone, &c. from Indian lands.

22. If any person without the license in writing of the Secretary of State, or of some officer or person deputed by him for that purpose, trespasses upon any of the said lands or roads or allowances for roads, by cutting, carrying away or removing therefrom, any of the trees, saplings, shrubs, underwood or timber thereon, or by removing any of the stone or soil of the said lands, roads or allowances for roads, the person so trespassing shall for every tree he cuts, carries away or removes, forfeit and pay the sum of twenty dollars, and for cutting, carrying or removing any of the saplings, shrubs, underwood or timber, if under the value of one dollar, the sum of four dollars, but if over the value of one dollar, then the sum of twenty dollars, and for removing any of the stone or soil aforesaid, the sum of twenty dollars, such fine to be recovered by the said Secretary of State, or any officer or person by him deputed, by distress and sale of the goods and chattels of the party or parties fined, or the said Secretary of State, officer or person without proceeding by distress and sale as aforesaid, may, upon the non-payment of the said fine, order the party or parties to be imprisoned in the Common Gaol as aforesaid, for a period not exceeding thirty days, when the fine does not exceed twenty dollars, or for a period not exceeding three months, where the fine does exceed twenty dollars; and upon the return of any warrant for distress or sale, if the amount thereof has not been made, or if any part of it remains unpaid, the said Secretary of State, officer or person, may commit the party in default upon such warrant, to the Common Gaol as aforesaid, for a period not exceeding thirty days if the sum claimed by the Secretary of State, upon the said warrant, does not exceed twenty dollars, or for a time not exceeding three months if the sum claimed does exceed twenty dollars; all such fines shall be paid to the Receiver General, to be disposed of for the use and benefit of the Tribe, band or body of Indians for whose benefit the lands are held, in such manner as the Governor may direct.

How enforced and applied.

Misnomer in writs, warrants, &c., not to invalidate them.

23. In all orders, writs, warrants, summonses and proceedings whatsoever made, issued or taken by the Secretary of State, or any officer or person by him deputed as aforesaid, it shall not be necessary for him or such officer or person, to insert or express the name of the person summoned, arrested, distrained upon, imprisoned or otherwise proceeded against therein, except when the name of such person is truly given to or known by the Secretary of State, officer or person, and if the name be not truly given to or known by him, he may name or describe the person by any part of the name of such person given to or known by him; and if no part of the name be given to or known by him he may describe the person proceeded against in any manner by which he may be identified; and all such proceedings containing or purporting to give the name or description of any such person as aforesaid shall *primâ facie* be sufficient.

24.

24. All Sheriffs, Gaolers or Peace Officers to whom any such process is directed by the said Secretary of State, or by any officer or person by him deputed as aforesaid, shall obey the same, and all other officers upon reasonable requisition shall assist in the execution thereof. Sheriffs, &c., to obey orders under this Act.

25. If any Railway, road or public work passes through or causes injury to any land belonging to or in possession of any tribe, band or body of Indians, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other persons; the Secretary of State shall act for them in any matter relating to the settlement of such compensation, and the amount awarded in any case shall be paid to the Receiver General for the use of the tribe, band or body of Indians for whose benefit the lands are held. As to compensation when any Railway, &c., passes through Indian lands.

26. The Secretary of State is hereby substituted for the Commissioner of Indian Lands for Lower Canada, under the fourteenth chapter of the Consolidated Statutes for Lower Canada, respecting Indians and Indian lands, which shall continue to apply to Indians and Indian lands, in the Province of Quebec, in so far as it is not inconsistent with this Act, and shall have all the powers and duties assigned to such Commissioner by the said Act, except that the lands and property heretofore vested in the said Commissioner shall henceforth be vested in the Crown, and shall be under the management of the Secretary of State, who shall manage the same on behalf of the Crown, and the suits respecting them shall be brought in the name of the Crown, and the said Secretary of State shall not be bound to have any domicile in the Province of Quebec or to give security; and so much of the said Act as is inconsistent with this Act is repealed. Powers under Cap. 14, Con. Stat. L. C., vested in Secretary of State. Secretary not to give security, &c.

27. The period limited by the sixth section of the Act last cited, as that within which informations may be brought under that Act, shall be one year instead of six months. Period in Sect. 6, extended.

28. In all cases of encroachment upon any lands set apart for Indian reservations or for the use of the Indians, not hereinbefore provided for, it shall be lawful to proceed by information in the name of Her Majesty in the Superior Courts of Law or Equity, notwithstanding the legal title may not be vested in the Crown. Proceedings in case of encroachment on Indian lands.

29. The Governor may authorize surveys, plans and reports to be made of any lands reserved for Indians shewing and distinguishing the improved lands, the forests and lands fit for settlement, and such other information as may be required. Surveys of Indian lands.

30. The proceeds arising from the sale or lease of any Indian lands or from the timber thereon shall be paid to the Receiver General to the credit of Indian Fund. Proceeds of timber.

Cap. 57 of Revised Stat. N.S. repealed: monies to be paid over.

31. The fifty-seventh chapter of the Revised Statutes of Nova Scotia, Third Series, is hereby repealed, and the chief Commissioner and Deputy Commissioners under the said chapter, shall forthwith pay over all monies in their hands arising from the selling or leasing of Indian lands, or otherwise under the said chapter, to the Receiver General of Canada by whom they shall be credited to the Indian Fund of Nova Scotia; and all such monies in the hands of the Treasurer of Nova Scotia, shall be paid over by him to the Receiver General of Canada, by whom they shall be credited to the said Indian Fund. And all Indian lands and property now vested in the said Chief Commissioner, Deputy Commissioner, or other persom whomsoever, for the use of Indians, shall henceforth be vested in the Crown and shall be under the management of the Secretary of State.

Indian lands vested in Secretary.

Cap. 85 of Rev. Stat. N. B. repealed: monies to be paid over.

32. The eighty-fifth chapter of the Revised Statutes of New Brunswick respecting Indian Reserves is hereby repealed, and the Commissioners under the said chapter, shall forthwith pay over all monies in their hands arising from the selling or leasing of Indian Lands or otherwise under the said chapter, to the Receiver General of Canada, by whom they shall be credited to the Indians of New Brunswick, and all such monies now in the hands of the Treasurer of New Brunswick shall be paid over to the Receiver General of Canada, to be credited to the said Indians. And all Indian lands and property now vested in the said Commissioner, or other person whomsoever, for the use of Indians, shall henceforth be vested in the Crown and shall be under the management of the Secretary of State.

Indian lands vested in Secretary.

Act not to affect Cap. 9 of Con. Stat. Can. &c.

33. Nothing in this Act contained shall affect the provisions of the ninth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the civilization and enfranchisement of certain Indians*, in so far as respects Indians in the Provinces of Quebec and Ontario, nor of any other Act when the same is not inconsistent with this Act.

Secretary of State to manage Ordnance lands.

34. The Secretary of State is hereby substituted for the Commissioner of Crown Lands as regards the Ordnance and Admiralty lands transferred to the late Province of Canada and lying in the Provinces of Quebec and Ontario.

Powers under certain Acts vested in him, in place of Commissioner of Crown Lands.

23 V. c. 2.

C. 23, Con. Stat. Can.

35. All powers and duties vested in the Commissioner of Crown Lands with respect to the said Ordnance or Admiralty Lands, in the Provinces of Quebec and Ontario, by the Act of the Parliament of the late Province of Canada, passed in the twenty-third year of Her Majesty's reign, and chaptered two, intituled: *An Act respecting the sale and management of the Public Lands*, or by the twenty-third chapter of the Consolidated Statutes of the said late Province, intituled: *An Act respecting the sale and management of Timber on Public Lands*, (both which Acts shall continue to apply to the said lands;)—or by any other

Act

Act or law in force in any of the Provinces now composing the Dominion of Canada, at the time of the Union of the said Provinces, are hereby transferred to and vested in the said Secretary of State, and shall be exercised and performed by him; Provided that in construing the two Acts cited in this Section, with reference to the said lands, the words "Secretary of State" shall be substituted for the words "Commissioner of Crown Lands," and for the words "Registrar of the Province,"—the words "Governor General" shall be substituted for the word "Governor" and the words "Governor General in Council" for the words "Governor in Council,"—and the Governor General in Council may direct that the said two Acts or either of them, or any part or parts of either or both of them shall apply to the Indian Lands in the Provinces of Quebec and Ontario, or to any of the said lands, and may from time to time repeal any such Order in Council and make another or others instead thereof; and provided further, that all the powers and duties by this section vested in the Secretary of State, shall be deemed to have been so vested from and after the first day of July now last past, and may be by him exercised with reference to any act or thing done or performed since that date, in connection with Ordnance or Indian Lands.

Proviso: How such Acts shall be construed.

Proviso: Act to refer to 1st July, 1867.

36. The Secretary of State shall also have the control and management of all Crown Lands being the property of the Dominion, that are not specially under the control of the Public Works Department.

Powers as to certain other Crown Lands.

37. The Governor in Council may, from time to time, make such Regulations as he deems expedient for the protection and management of the Indian lands in Canada or any part thereof, and of the timber thereon or cut from off the said lands, whether surrendered for sale or reserved or set apart for the Indians, and for ensuring and enforcing the collection of all moneys payable in respect of the said lands or timber, and for the direction and government of the officers and persons employed in the management thereof or otherwise with reference thereto, and generally for carrying out and giving effect to the provisions of this Act;—and by such Regulations the Governor in Council may impose such fines not exceeding in any case two hundred dollars, as he deems necessary for ensuring the due observance of such Regulations, the payment of all such moneys as aforesaid, and the enforcing of due obedience to the provisions of this Act,—and may by such Regulations provide for the forfeiture, or the seizure and detention of any timber in respect of which the said Regulations have been infringed, or on which any sum payable in respect thereof has not been paid, and for the sale of such timber (if not forfeited,) in case the dues, damages and fine be not paid within the time limited by such regulations, and the payment thereof out of the proceeds of the sale; and if forfeited such

Governor in Council may make Regulations as to Indian Lands, and timber cut on them: and may impose fines for breach of the same, &c.

 timber

timber shall be dealt with as the regulation may direct:—and may appropriate any such fines in such manner he may see fit; and the Governor in Council may by such regulations provide for the forfeiture of any lease, licence of occupation, licence to cut timber, or other licence or permission of any kind with respect to such lands, if the conditions on which such licence or permission is granted are not observed; but no such provision imposing any penalty or forfeiture shall impair or diminish any right or remedy of the Crown to recover any money or enforce the performance of the conditions of any such sale, lease, contract, obligation, licence, or permission in the ordinary course of law.

Proviso: not to impair other remedies.

Publication, effect and proof of Regulations.

38. All Regulations or Orders in Council made under the next preceding section shall be published in the *Canada Gazette*, and being so published shall have the force of law, from the date of their publication or from such later date as may be therein appointed for their coming into force; and any such regulation may be repealed, amended or re-enacted by any subsequent regulation, and shall be in force until so repealed or amended unless an earlier period be therein appointed for their ceasing to be in force; and a copy of any such Regulations purporting to be printed by the Queen's Printer shall be *primâ facie* evidence thereof.

Governor may appoint agents &c., under this Act.

39. The Governor may, from time to time, appoint officers and agents to carry out this Act, and any Orders in Council made under it, which officers and agents shall be paid in such manner and at such rates as the Governor in Council may direct.

Governor in Council may transfer duties under this Act, to any other departm

40. The Governor in Council may at any time assign any of the duties and powers hereby assigned to and vested in the Secretary of State, to any other member of the Queen's Privy Council for Canada, and his department, and from the period appointed for that purpose by any order in Council such duties and powers shall be transferred to, and vested in such other member of Her Majesty's Privy Council for Canada and his department.

Yearly report to Parliament.

41. The Secretary of State shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the department during the year then next preceding.

Repeal of inconsistent enactments.

42. So much of any Act or law as may be inconsistent with this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, is repealed, except only as to things done, obligations contracted, or penalties incurred before the coming into force of this Act.

CAP.

CAP. XLIII.

An Act constituting the Department of Customs.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

1. There shall be a Department of the Public Service to be called the " Department of Customs," over which the Minister of Customs for the time being, appointed by the Governor, by Commission under the Great Seal, shall preside. Department constituted.

2. There shall be a Commissioner of Customs, and an Assistant Commissioner, both of whom shall hold office during pleasure, and shall have such powers and perform such duties, respectively, as may be assigned to them by the Governor General, or by the Minister of Customs. Commissioner and Assistant Commissioner.

3. The Department of Customs shall have the control and management,— Of what matters the Department shall have the control.

1. Of the collection of the duties of Customs, and of matters incident thereto, and of the officers and persons employed in that service ;

2. Of the collection of the tolls on the Public Canals, and of matters incident thereto, and of the officers and persons employed in that service ; subject always to the provisions of the *Act respecting Customs*, and of the *Act respecting the collection and management of the Revenue, the auditing of Public Accounts and the liability of Public Accountants*, and of any other Acts relating to the Customs or matters incident thereto. Subject to the Acts in that behalf.

4. The Governor General may appoint a Board of Examiners, whose duty it shall be to examine all persons employed or who have applied for employment under the Department of Customs, in the manner and after complying with the conditions prescribed by Departmental Regulations, and to classify them according to their respective qualifications and grant certificates accordingly. Board of Examiners or applicants for employment in the Customs.

5. The Minister of Customs shall annually make to the Governor General, to be laid before Parliament within fifteen days after the meeting thereof, a report and statement of the transactions and affairs of the Department during the year then next preceding. Annual Report by Minister.

6. So much of any Act or law as may be inconsistent with this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, is hereby repealed. Repeal of inconsistent enactments.

CAP.

CAP. XLIV.

An Act to amend the Act of the present Session, intituled : *An Act imposing duties of Customs, with the Tariff of Duties payable under it.*

[*Assented to 22nd May,* 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Repeal of existing Tariff, &c.
31 V. c. 7.

1. The first, second, third, fourth, seventh, ninth, twelfth and fifteenth sections of the Act passed in the present session, chapter seven, and intituled : *An Act imposing duties of Customs, with the Tariff of Duties payable under it*, and the Schedules A, B, C, D and E, annexed to the said Act, are hereby repealed.

New Tariff substituted, as in schedules A and B.

2. In lieu and instead of the duties of Customs imposed by the Act hereinbefore cited, there shall be raised, levied, collected and paid, upon the goods enumerated in Schedules A and B to this Act, imported into Canada or taken out of Warehouse for consumption therein, the several duties of Customs respectively set forth and described in the said Schedules A and B, the duty of fifteen per centum *ad valorem* being payable upon all goods not charged with any other duty, and not declared free of duty.

Free goods.

3. The goods enumerated in the Schedules C and D to this Act, may, subject to the provisions and conditions therein mentioned, be imported into Canada or taken out of Warehouse for consumption therein, without payment of any duty of Customs thereon.

Value of sugar for duty how ascertained.

4. The value for duty on which the *ad valorem* duties hereby imposed on sugar, molasses, melado, syrup of sugar or sugar cane, syrup of molasses or of sorghum, concentrated melado or concentrated molasses, and sugar candy, shall be calculated and taken, shall include the value of the packages containing the same, and the shipping and other charges on such articles, and the value for duty shall be the value of the goods "free on board," at the place or port whence last exported direct to Canada;—and the Governor in Council shall have power to declare what charges shall be included in such value so defined ; and the Governor in Council shall have power to interpret, limit or extend the meaning of the conditions upon which it is provided in Schedule C, that any article may be imported free of duty for special purposes or for particular objects or interests ; and to make regulations either for declaring or defining

Powers of Governor in Council.

His powers as regards schedule C (Free Goods).

defining what cases shall come within the conditions of the said schedule, and to what objects or interests of an analogous nature the same shall apply and extend, and to direct the payment or non-payment of duty in any such case or the remission thereof by way of drawback if such duty has been paid.

5. Any other articles than those mentioned in Schedule D, being of the growth and produce of any of the British North American Provinces, may be specially exempted from Customs duty by order of the Governor in Council. Goods from B. N. A. Provinces.

6. Any or all of the articles mentioned in Schedule D, when the growth and produce of the United States of America, may be imported into Canada from the said United States free of duty, or at a less rate of duty than is provided in the said schedule, upon proclamation of the Governor in Council, whenever the United States shall provide for the importation of similar articles from Canada into that country free of duty, or at a less rate of duty than is now imposed on the importation from Canada of such articles into the United States. Goods from U. S., in case of Reciprocity.

7. The Goods enumerated in Schedule E shall not be imported into Canada, under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed. Prohibited goods.

8. Packages of every description in which goods are usually imported, and cases covering casks of Wine or Brandy, in wood, and cases containing bottled Wine or bottled Spirits or other liquors, shall be free,—except only Bottles, Jars, Demi-Johns, Brandy-Casks, Barrels, or other packages in which Spirituous Liquors, Wines and Malt Liquors are contained and Carboys containing Sulphuric Acid. Packages what to be free.

9. The foregoing sections of this Act shall be held to have come into force, and the duties mentioned therein and in the Schedules to this Act, shall be held to have been imposed and to have been substituted for those imposed by the Act hereby amended, on the twenty-ninth day of April, in the present year of our Lord one thousand eight hundred and sixty-eight, and to have been and to be payable on all goods imported or taken out of Warehouse for consumption upon or after the said day. New duties—from what time to be in force.

10. The Governor in Council may, under Regulations to be made for that purpose, allow, on the exportation of goods which have been imported into Canada, and on which a duty of customs has been paid, a drawback equal to the duty so paid;—and in cases to be mentioned in such Regulations and subject to such provisions as may be therein made, such drawback may be allowed on duty paid goods, manufactured or wrought in Canada, into goods exported therefrom as aforesaid; and the period within which such drawback may be allowed after the time when the duty was paid shall be limited in such Regulations. Drawback on duty paid goods exported. Regulations to be made.

Export duties on Lumber.

11. Upon, from and after the first day of October in the present year of Our Lord, one thousand eight hundred and sixty-eight, there shall be raised, levied, collected and paid, upon the goods enumerated in Schedule F to this Act, the export duties mentioned in the said Schedule, and such duty shall be paid to the proper Officer of Customs, at the intended port of exportation; the export of such goods without payment of the said duty shall be unlawful, and the Collector or any Officer of Customs shall prevent the exportation of such goods until such duties thereon are paid; and if any attempt be made to export such goods contrary to the provisions of this Act, they shall be liable to seizure and be forfeited, and shall be dealt with as other goods forfeited for breach of the customs laws.

Penalty for attempting to export without paying duty.

Act 29, 30 V. c. 6 of Canada amended, as respects Free Ports.

12. So much of section nine of the Act of the Legislature of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, and intituled : *An Act to amend the Acts respecting duties of Customs, and the Tariff of duties payable under them*, as requires the payment of any duty of Customs on the importation of goods from any of the Free Ports abolished under the said section, into any other part of Canada, or imposes any restrictions upon such importation, is hereby repealed.

Sect. 133, of 31 V. c. 7, repealed and new section substituted.

13. The one hundred and thirty-third section of the Act of the present session, intituled : *An Act respecting the Customs* is hereby repealed, and the following section substituted for it:

" **133.** All bonds, documents and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in Canada, shall be in such form as the Minister of Customs shall from time to time direct."

How this Act shall be construed.

14. This Act shall be construed as one Act with the said Act of the present session, intituled: *An Act respecting the Customs*, and with the Act hereinbefore cited and amended, the fifth section whereof shall be construed as referring to schedule C annexed to this Act; and all words and expressions used in this Act shall have the meaning assigned to them in the said Acts, and all provisions of the said Acts and of the Regulations made or to be made under them or either of them, or continued in force by them or either of them, shall apply to the duties imposed by this Act, except in so far as they may be inconsistent with it.

SCHEDULE

SCHEDULE A.

GOODS PAYING SPECIFIC DUTIES.

		Duties.
Animals, viz :—		$ cts.
Horses	Per Head	15 00
Horned Cattle	"	10 00
Swine	"	2 00
Sheep	"	1 00
Acid—Sulphuric	Per lb.	0 0½
Butter	"	0 04
Cigars :—Value not over $10 per Mille	Per Mille.	3 00
Do over $10 and not over $20	"	4 00
Do over $20 and not over $40	"	5 00
Do over $40	"	6 00
Cheese	Per lb.	0 03
Coffee, green	"	0 03
Do roasted or ground	"	0 04
Chicory or other root or vegetable used as Coffee, raw or green	"	0 03
Chicory, kiln-dried, roasted or ground	"	0 04
Fish, salted or smoked	"	0 01
Lard and Tallow	"	0 01
Meats, fresh, salted or smoked	"	0 01
Malt	Per Bushel	0 40
Oils :—viz.		
Coal and Kerosene, distilled, purified and refined	Per Gallon	0 15
Naptha, Benzole and Refined Petroleum	"	0 15
Products of Petroleum, coal, shale and lignite, not otherwise specified	"	0 10
Crude Petroleum	"	0 06
Soap Common	Per lb.	0 01
Starch	"	0 02
Spirits and strong waters, viz :		
Brandy, Gin, Rum, Whiskey, Spirits of Wine, Alcohol, Bitters containing Spirit, Vermouth and other Spirituous Liquors of whatever strength, not otherwise specified, on every gallon of the strength of Proof of Sykes' Hydrometer, and so in proportion for any greater strength, and for every less quantity than a gallon		0 80
Cordials	Per Gallon	1 20
Perfumed spirits	"	1 20
Tinctures	"	0 63

SUGAR

SUGAR AND MOLASSES.

Sugar:—All sugar equal to, or above No. 9, Dutch Standard, twenty-five per centum *ad valorem* and a specific duty of one cent per lb.

Below No. 9 Dutch Standard, twenty-five per centum *ad valorem* and a specific duty of three fourths of one cent per lb.

Cane Juice, Syrup of Sugar or of Sugar Cane, Syrup of Molasses or of Sorghum, Melado, concentrated Melado, or concentrated Molasses, twenty-five per centum *ad valorem* and a specific duty of five-eighths of one cent per lb.

Sugar Candy, brown or white, and confectionery, twenty-five per centum *ad valorem*, and a specific duty of one cent per lb.

Molasses, if used for refining purposes, or for the manufacture of sugar............................ Per 100 lbs. 0 73

Molasses, if not so used, twenty-five per centum *ad valorem*.

SCHEDULE B.

GOODS PAYING TWENTY-FIVE PER CENTUM AD VALOREM:

Cassia, ground,
Cinnamon, "
Ginger, "
Mace,
Nutmegs,
Pepper, ground,
Perfumery, not otherwise specified,
Perfumed and fancy soaps,
Pimento, ground,
Playing cards,
Proprietary Medicines, commonly called Patent Medicines, or any medicine or preparation of which the recipe is kept secret, or the ingredients whereof are kept secret, recommended by advertisement, bill or label for the relief or cure of any disorder or ailment.

GOODS PAYING TEN PER CENTUM AD VALOREM:—

Sole and Upper Leather.

GOODS PAYING FIVE PER CENTUM AD VALOREM:—

Books, periodicals and pamphlets, printed,—not being foreign reprints of British Copyright Works, nor blank account books, nor copy books, nor books to be written or drawn upon, nor reprints of books printed in Canada, nor printed sheet music.

Iron—

Iron—viz :—Bar, Rod, Hoop and Sheet.
Canada plates and tinned plates.
Nail and Spike Rod, round, square and flat.
Rolled plate and Boiler plate.
Wire,

Type.

GOODS PAYING AD VALOREM AND SPECIFIC DUTIES.

Ale, Beer and Porter, ten per centum *ad valorem* and a specific duty of five cents per Gallon in Casks, and seven cents per Gallon in bottles. (5 quart and 10 pint bottles to be held to contain a gallon.)

Tea, black, fifteen per centum *ad valorem*, and a specific duty of three cents and one half of a cent per lb.

Do. Green including Japan, fifteen per centum *ad valorem*, and a specific duty of seven cents per lb.

Tobacco, manufactured, except Cigars, and including Snuff, five per cent *ad valorem*, and a specific duty of fifteen cents per lb.

Wines of all kinds, including Ginger, Orange, Lemon, Gooseberry, Strawberry, Raspberry, Elder and Currant Wines, twenty per centum *ad valorem*, and a specific duty of ten cents per gallon, (5 quart and 10 pint bottles to be held to contain a gallon.)

The following packages, that is to say: — Bottles, Jars, Demi-Johns, Brandy Casks, Barrels or Packages in which Spirituous Liquors, Wines and Malt Liquors are contained and Carboys containing Sulphuric Acid, and all goods not enumerated in any of the Schedules to this Act as charged with any other duty, and not declared to be free of duty, shall be charged with a duty of Customs of fifteen per centum *ad valorem*.

SCHEDULE C.

FREE GOODS.

ARTS AND SCIENCE :—
Anatomical preparations,
Botany, specimens of,
Cabinets of Antiquities,
" Coins,
" Gems,
" Medals,
Drawings, not in oil,
Gems,
Medals,
Mineralogy, Specimens of,
Models,
Natural History, specimens of,
Sculpture, specimens of,

WORKS

Works of art, viz :

Busts—Natural size, not being casts nor produced by any mere mechanical process.

Casts—As models for the use of schools of design.

Paintings—In oil, by artists of well-known merit, or copies of the old masters by such artists.

Statues—Of bronze, marble or alabaster, natural size.

Drugs, dye stuffs, oils and colors not elsewhere specified, viz:

Acids of every description, except acetic and sulphuric acid and vinegar.
Alum,
Antimony,
Argol,
Bark, when chiefly used in dyeing,
Barilla,
Berries, when chiefly used in dyeing,
Borax,
Bleaching powders,
Brimstone in roll or flour.

Colors and other articles, when imported by room-paper makers and stainers, to be used in their trade only, viz:

Bichromate of potash,
Blue Black,
British gum,
Chinese Blue,
Lakes, scarlet and morone, in pulp,
Paris and permanent Greens,
Satin and fine washed White,
Sugar of lead,
Ultra Marine,
Umber, raw.

Cream of tartar in crystals,
Drugs, when chiefly used in dyeing,
Indigo,
Kelp,
Kryolite,
Metallic Oxides, dry, ground or unground, washed or unwashed, not calcined,
Nitre,
Nuts, when chiefly used in dyeing,
Ochres, dry, ground or unground, washed or unwashed, not calcined,
Oils, cocoa nut, pine and palm in their natural state,
Phosphorus,
Red Lead, dry,
Roots, Medicinal, in their natural state,
Sal ammoniac,
Sal Soda,
Saltpetre,
Soda ash,
Soda caustic,
Soda, nitrate of
Soda, silicate of
Sulphur in roll or flour,

Vitriol,

Vitriol, blue,
Vegetables, when chiefly used for dyeing,
White lead, dry,
Whiting or whitening,
Woods, when chiefly used in dyeing,
Zinc, white, dry.

MANUFACTURES AND PRODUCTS OF MANUFACTURES :

Anchors.
Ashes, pot, pearl and soda,
Bread and biscuit from Great Britain and the B. N. A. Provinces,
Bolting, cloth,
Book binders' tools and implements,
Brim moulds for gold beaters,
Burrstones,
Candle wick, cotton,
Cement, Marine unground,
Cement, Hydraulic do
Church Bells,
Clothing—donations of for charitable institutions,
Communion Plate,
Cocoa Paste, from Great Britain and the B. N. A. Provinces,
Coin and Bullion, except United States silver coin,
Cotton Netting for India Rubber Shoes,
Cotton Waste,
Cotton Wool,
Drain tiles,
Duck for belting and hose,
Emery paper and emery cloth,
Electrotype Blocks, for printing purposes.
Farming implements and utensils when imported by Agricultural Societies for the encouragement of Agriculture.
Felt for Hats and Boots.
Fire Brick.
Fire Engines—Steam—when imported by the Municipal Corporations of Cities, Towns and Villages, for the use of such Municipalities.
Fish hooks, nets and seines, lines and twines,
Flax Waste.
Glass paper and Glass cloth.
Gold Beaters Skin.
Gold Leaf,
Hoop skirt manufacture, the following articles for, Crinoline thread for covering Crinoline wire, clasps of tin and brass, slides, spangles and slotted tapes, and flat or round wire uncovered,
Junk,
Linen Machine Thread,
Lithographic Stones,
Lumber, plank and sawed, of mahogany, rosewood, walnut, cherry and chestnut, and pitch pine,
Machine Silk Twist,
Machinery when used in the original construction of Mills or Factories, not to include Steam Engines, Boilers, Water Wheels, or Turbines,

Nails,—

Nails,—Composition,
Nails,—Sheathing,
Oakum,
Oil Cake,
Philosophical instruments and apparatus, including globes, when imported by, and for the use of Colleges and Schools, Scientific or Literary Societies,
Platers' Leaf,
Printing Ink,
Printing Presses, except portable hand printing presses,
Prunella,
Plush for Hatters use,
Rags,
Sand paper and sand Cloth.
Ships' Binnacle Lamps,
" Blocks and patent bushes for blocks,
" Bunting,
" Cables, iron chain, over one half of an inch, shackled or swiveled, or not.
" Compasses,
" Dead Eyes,
" Dead Lights,
" Deck Plugs,
" Knees, Iron,
" Masts or parts of, Iron,
" Pumps and pump-gear,
" Riders, Iron,
" Shackles,
" Sheaves,
" Signal Lamps,
" Steering apparatus,
" Travelling Trucks
" Wedges,
" Wire-rigging,
And the following articles when used for ships or vessels, only, viz:
Cables, hemp and grass,
Cordage,
Sail cloth or canvas from No. 1 to No. 6,
Varnish, black, and bright.
Silver Leaf,
Spikes, composition,
Straw Plaits, Tuscan and Grass, Fancy.
Stereotype Blocks for printing purposes,
Treenails,
Twists, silk, for hats, boots and shoes,
Veneering of wood or ivory,
Weaving or tram silk, for making elastic webbing,
" " cotton " "
Wire cloth of brass and copper,
Woollen netting for India rubber shoes.
METALS—
Brass,—Bar, Rod, Sheet and Scrap,

Cranks

Cranks for Steamboats, forged in the rough,
Do Mills, do do
Copper, in Pig, Bars, Rods, Bolts and Sheets, and Sheathing.
Iron of the descriptions following:—
Scrap, Galvanized or Pig,
Puddled, in Bars, Blooms and Billets,
Bolts and Spikes, galvanized,
Locomotive Engine Frames, Axles, Cranks, Hoop Iron or Steel for tires of wheels, bent and welded,
" Crank Axles, Piston Rods, Guide and Slide Bars, Crank Pins, Connecting Rods.
Lead in Sheet or Pig.
Litharge.
Railroad Bars, and frogs, wrought iron or steel Chairs, wrought iron or steel Fish Plates, and Car Axles.
Shafts for Mills and Steamboats, in the rough.
Spelter, in blocks, sheets or pig.
Steel, wrought or cast in bars and rods.
" plates cut to any form, but not moulded.
Tin, in bar, blocks, pig or granulated.
Tubes and piping—of brass, copper or iron, drawn.
Type Metal, in blocks or pigs.
Wire, of brass or copper, round or flat.
Yellow Metal, in bolts, bars, and for sheathing.
Zinc in sheets and blocks and pigs.

NATURAL PRODUCTS,

Bristles,
Broom Corn,
Bulbs,
Caoutchouc, unmanufactured,
Clays,
Coal and Coke,
Cocoa, bean and shell,
Cork wood,
Cork wood bark,
Diamonds, unset,
Earths,
Eggs,
Emery,
Flour, Wheat and Rye,
Fibre, Mexican,
Fibre, vegetable, for manufacturing purposes,
Fibrilla,
Flax, undressed,
Fire Clay,
Fire Wood,
Fish, fresh, not to include Oysters or Lobsters in Tins or Kegs.
Fish bait,
Furs, undressed,
Grain of all kinds,
Gravels,

Grease

Grease and Grease Scrap,
Gum Copal,
Gutta Percha, unmanufactured,
Gypsum, not ground nor calcined,
Hair, Human, Goat, Angola, Thibet, Horse, Hog and Mohair, unmanufactured,
Hay,
Hemp, undressed,
Hides,
Hops,
Horns,
Indian Corn,
Indian Meal,
India Rubber, unmanufactured,
Manilla Grass,
Manures,
Marble in blocks unwrought, or sawn on two sides only, or slabs sawn from such blocks, having at least two edges unwrought,
Moss for Upholstery purposes,
Ores of metals of all kinds,
Osiers,
Pelts,
Pipe clay,
Pitch,
Plants,
Plaster of Paris not ground nor calcined,
Precious Stones, unset,
Ratan for chair makers,
Roots,
Rosin,
Salt,
Sand,
Sea Grass,
Seeds for agricultural, horticultural or manufacturing purposes,
Shrubs,
Skins undressed,
Slate,
Stone, unwrought,
Tails, undressed,
Tanner's Bark,
Tampico white and black,
Tar,
Teasels,
Tobacco unmanufactured,
Tow undressed,
Trees,
Turpentine, other than spirits of,
Vegetables, culinary,
Vegetable fibres,
Whale Oil, in the casks from on Ship-board and in the condition in which it was first landed,
Willow for basket makers,

Wood

Wood of all kinds, wholly unmanufactured,
Wool.

SPECIAL EXEMPTIONS FROM DUTY :—

Apparel, wearing of British Subjects dying abroad but domiciled in Canada.
Articles by and for the use of the Governor General.
" for the public uses of the Dominion.
" " use of Foreign Consuls General.
Army and Navy, for the use of,—
Arms,
Clothing,
Musical Instruments for Bands,
Military Stores.
Settlers' Effects of every description, in actual use, not being merchandise, brought by persons making oath that they intend becoming permanent settlers within the Dominion.

UNDER REGULATIONS AND RESTRICTIONS TO BE PRESCRIBED BY THE MINISTER OF CUSTOMS.

Carriages of travellers and carriages laden with merchandise and not to include circus troops, nor hawkers.
Locomotives and railway passenger, baggage and freight cars, running upon any line of road crossing the frontier, so long as Canadian Locomotives and cars are admitted free under similar circumstances in the United States,
Menageries, horses, cattle, carriages and harnesses of.
Travellers' baggage.

SCHEDULE D.

The following goods when the growth and produce of any of the British North American Provinces, may be imported free of duty, viz:
Animals of all kinds.
Fresh, smoked and salted meats.
Green and dried fruits.
Fish of all kinds.
Products of fish and of all other creatures living in water.
Poultry.
Butter.
Cheese.
Lard.
Tallow.
Timber and lumber of all kinds, round, hewed, sawed, but not otherwise manufactured in whole or in part.
Fish oil,
Gypsum, ground or unground.

SCHEDULE E.

The following articles shall be prohibited to be imported under a penalty of two hundred dollars together with the forfeiture of the parcel or package of goods in which the same may be found, viz:

Books, Printed Papers, Drawings, Paintings, Prints and Photographs, of a treasonable or seditious or of an immoral or indecent character.

Coin, base or counterfeit.

SCHEDULE F.

Export Duties.

Shingle Bolts.......... ..	per Cord of 128 Cubic Feet.		$1.00
Stave Bolts..............	" " " "		1.00
Oak Logs..............................		per M.	2.00
Spruce Logs..........................		" "	1.00
Pine Logs.............		" "	1.00

CAP. XLV.

An Act respecting the Currency.

[Assented to 22nd May, 1868.]

Preamble.

WHEREAS it is expedient that there should be one uniform Currency common to the whole Dominion of Canada; and whereas at the International Monetary Conference held at Paris in the year of one thousand eight hundred and sixty-seven, with a view to promote a uniform currency among the nations, a basis for such currency was agreed upon, and it is desirable that the currency of Canada should, as far as possible, be assimilated to that so agreed upon, but it is also desirable that it should be (as it now is, except in the Province of Nova Scotia,) of the same value as the metallic currency of the United States, and it is therefore expedient that no alteration should be made in the currency laws of Canada, until it is known whether the basis agreed upon at the said Conference will or will not be adopted by the United States: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Condition on which the following sub-sections of this section shall come into force.

1. If the Congress of the United States of America shall adopt the basis agreed upon by the said International Monetary Conference, so that the American Half Eagle or five dollar gold coin shall be made of the same value as the French gold coin of twenty-five francs, of the fineness of nine tenths, and weighing one hundred and twenty-four grains and nine twentieths of a grain troy weight, (or very nearly equivalent in value to

to the British Sovereign, and to five dollars of the present currency of Nova Scotia,) and the other gold coins of the said United States of other denominations shall be made of proportionate value, then it shall be lawful for the Governor to issue a Proclamation reciting the fact, and appointing a day on and after which the enactments in the nine following subsections of this section shall come into force and be law, that is to say:

Denominations of currency of Canada.

1. The denominations of money in the currency of Canada, shall be pounds, shillings, pence, dollars, cents and mills;—the pound, shilling and penny shall have same proportionate value in respect to each other as in the currency of the United Kingdom;—the dollar shall be one fourth of a pound currency, the cent shall be one hundredth of a dollar, and the mill one tenth of a cent: and in any statement as to money or money value in any agreement, indictment or legal proceeding, or in any instrument, document or writing whatever, any sum may be mentioned, described and stated in pounds, shillings and pence, or in dollars, cents and mills, or in any or either of such denominations, as may be considered expedient;

Value of the £1 currency.

2. On and after the said day, the pound currency throughout all Canada shall be held to be equivalent to and to represent eighty-nine grains and six hundred and one thousandths of a grain troy weight of pure gold, or ninety-seven grains and seven hundred and forty-seven thousandths of a grain of gold of the standard of fineness prescribed by law for the gold coins of the United Kingdom on the first day of August, one thousand eight hundred and fifty-four;

Value of the £1 sterling.

3. The Pound Sterling or British Sovereign of the weight and fineness now established by law, shall be held to be equal to five dollars and four cents and one third of a cent currency, and any British Sovereign of the present lawful weight shall pass current and be a legal tender in Canada, for that sum; and any other British Gold coins, coined or to be coined while of lawful weight, shall pass current and be a legal tender for sums proportionate to the quantity of fine gold in them, and to be declared by Proclamation of the Governor;

British Gold Coins to be a legal tender.

Coins struck by order of H. M. for use in Canada, to be a legal tender.

At what rates.

4. Any gold or silver or copper coins which Her Majesty may direct to be struck for use in Canada, shall by such names as shall be assigned to them in the Governor's Proclamation declaring them lawful money of Canada, pass current and be a legal tender in Canada, at the rate assigned to them respectively by Proclamation, which shall be (as nearly as may be,) in the same proportion to their intrinsic values, as the rates at which the gold, silver and copper coins of the United Kingdom pass current there, bear to their intrinsic values respectively;

British silver coins.

5. British silver coins while of lawful weight and current in the United Kingdom, shall pass current and be a legal tender in Canada to the amount of ten dollars in any one payment at the following rates: the Crown at one dollar twenty-five cents; the Florin at fifty cents; the Shilling at twenty-five cents; and the other silver coins at rates bearing the same proportion to their nominal value in sterling;

British copper coins.

6. British Copper coins while current in the United Kingdom shall, unless and until it is otherwise ordered by Proclamation of the Governor, pass current and be a legal tender in Canada, to the amount of one shilling in any one payment, at the rate of two cents for every penny of their nominal sterling value;

Half Eagle and 25 franc piece.

Other Foreign Gold Coins.

Difference between old and new currency may be declared.

7. The half Eagle of the United States of America coined after the adoption by the said United States of the basis of value hereinbefore mentioned, and being of the intrinsic value aforesaid, shall, on the conditions to be defined in the Proclamation of the Governor, pass current and be a legal tender in Canada to any amount, at the rate of five dollars, as shall also the other Gold coins of the United States and of France, or of any other nation, coined under the agreement made at the International Monetary Conference, at rates proportional to their intrinsic value and to be mentioned in such Proclamation; which may also fix a specific percentage of difference between the new currency and the old, and may contain such conditions and limitations as to weight, fineness, stamp, date, remedy or tolerance, as the Governor may think proper;

Silver coins of the U. S. may be made legal tender up to $10.

Conditions.

8. The Governor, may by Proclamation, from time to time, declare that the silver coins of the United States, coined after their adoption of the basis of value hereinbefore mentioned, and containing in the half dollar, not less than one hundred and seventy-nine grains troy weight, of the fineness of nine tenths, and so in proportion for any coin of greater or less nominal value, shall on and after a day to be therein named, pass current and be a legal tender in Canada, to the amount of ten dollars in any one payment; and any such Proclamation may contain such conditions and limitations as to weight, fineness, stamp, date, remedy or tolerance, as the Governor may think proper, and may be revoked or amended by any subsequent Proclamation;

Sums due in old currency to be payable by equivalent sums in the new.

9. Any sum of money payable in Canada on or after the day appointed for the establishment of the new currency in this section mentioned, to Her Majesty or to any party, under any Act or law in force in any part of Canada and passed before the said day, or under any bill, note or other instrument, contract or agreement, made before the said day in Canada and with reference thereto, or made out of Canada, but with reference thereto, on or after the said day, if from the terms used, or the date and place of making, it is to be presumed that some

some other currency than that hereby established was intended, shall on or after the said day be payable by a sum in the new currency hereby established, of equal value with that by which it would have been payable in any other currency if this section had not been passed, that is to say, if such sum would have been payable in the present currency of Ontario, Quebec or New Brunswick, then for every twenty-two cents and forty mills of such sum, twenty-three cents and twenty-two mills of the new currency shall be paid, or such percentage of difference in either case as the Governor may fix by Proclamation as equivalent to the difference in value of the two currencies; and if such sum would have been payable in the present currency of Nova Scotia, then for every one hundred and twenty cents of such sum one hundred and twenty-one cents of the new currency shall be paid; but except as aforesaid, all sums of money payable in Canada after the day appointed for the coming into force of the enactments contained in this Section, shall be payable in the new currency.

New currency to be used in other cases.

2. And for the prevention of doubts be it enacted, that all sums mentioned in dollars and cents in the Imperial Act known as the British North America Act, 1867, and in all Acts of the Parliament of Canada passed in the present or in any future session, shall, unless it be otherwise expressed, be understood, as well with respect to the Province of Nova Scotia as to the other Provinces composing the Dominion of Canada, to be sums in the present currency of the Provinces of Quebec, Ontario and New Brunswick, subject only to the following exception, that is to say:—The duties, penalties and other sums of money, mentioned in the Act of the Parliament of Canada, passed in the present session, and intituled: *An Act respecting the Inland Revenue*, shall as regards all such duties, penalties or sums of money accrued, incurred or payable in the Province of Nova Scotia, before the first day of July, one thousand eight hundred and sixty-eight, be understood to be sums of the then currency of that Province, but as regards all such duties, penalties or sums of money accrued, incurred or payable on or after the said day, they shall be understood to be of the same amount and payable in the same currency, in Nova Scotia as in the other Provinces of Canada.

Sums mentioned in certain Acts to be currency of Ontario, Quebec and New Brunswick.

Exception.

3. The Governor may, at any time after the passing of this Act, declare by Proclamation that all or any of the Silver Coins of the United States of America or of any other Foreign Nation or State, coined before the passing of this Act, shall, when of the weights and dates, to be assigned in such Proclamation, pass current and be a legal tender in the Provinces of Quebec, Ontario and New Brunswick, at rates in currency to be assigned to them respectively in such Proclamation, to such amount in any one payment as may be therein declared; and such Proclamation may be revoked or amended by any subsequent Proclamation.

Silver Coin of U. S. coined before this Act, may be made current, to a certain amount.

4.

Stamp on coin to be *primâ facie* evidence.

4. The stamp of the year on any coin made current under this Act, shall establish *primâ facie* the fact of its having been coined in that year, and the stamp of the country shall establish *primâ facie* the fact of its being of the coinage of such country; and all coins made current under this Act shall be deemed to be of the proper standard, weight and fineness unless objected to on that account, in which case the standard and weight must be verified.

Repeal of inconsistent enactments.

5. The first, second, sixth and seventh sections of chapter eighty-three, of the Revised Statutes of Nova Scotia, third series, and so much of any other part of that chapter, or of any other Act or law of the said Province as may be inconsistent with this Act, shall be repealed on and after the day to be appointed by Proclamation under the first section of the Act as that on and after which these enactments in the said section shall come into force, as shall also the fifteenth chapter of the Consolidated Statutes of the late Province of Canada, the Act of the Legislature of the Province of New Brunswick, passed in the fifteenth year of Her Majesty's Reign, chapter eighty-five, the Act of the said Legislature passed in the sixteenth year of Her Majesty's Reign, chapter thirty-three, and the Act of the said Legislature passed in the twenty-third year of Her Majesty's Reign, chapter forty-eigtht, except sections two and three.

CAP. XLVI.

An Act to enable Banks in any part of Canada to use Notes of the Dominion instead of issuing Notes of their own.

[*Assented to 22nd May,* 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Governor in in Council may arrange with Banks for surrender of power to issue notes.

Compensation to be paid.

1. The Governor in Council may enter into arrangements with all or any of the Chartered Banks in this Dominion for the surrender, on or before the first day of June, one thousand eight hundred and seventy, of their power to issue notes;—and in compensation for such surrender, an annual sum not exceeding five per cent upon the amount of its circulation, as established with respect to any Bank in the Province of Quebec or Ontario, by the monthly return upon the thirtieth day of April, one thousand eight hundred and sixty-six, and with respect to any Bank in Nova Scotia or New Brunswick, and to any Bank in the late province of Canada, incorporated since the said last mentioned day,—in such manner as the Governor in Council may deem satisfactory, shall be payable by the Dominion to each Bank so surrendering its power of issue and redeeming its notes in circulation,

circulation, until the expiration of its charter, or such other period as Parliament may appoint; and the Receiver General shall receive any Provincial Debentures or other government securities now held by any such Bank in compliance with the requirements of its charter, in exchange for Notes of the Dominion; and shall also pay to such Bank one half the estimated cost of its unissued notes.

Exchange of Govt. securities for Provincial Notes.

2. In entering into any such arrangement as aforesaid with any Bank, the Governor in Council may provide either for the immediate or the gradual surrender of its power to issue notes, such gradual surrender not extending over a period of more than twelve months; but in such case the exchange of Dominion Notes for such Debentures and government securities as aforesaid, held by the Bank under the requirements of its charter, shall be made only in equal proportion to the amount of its notes actually redeemed and withdrawn from circulation, as shewn by its monthly returns.

Surrender may be gradual or immediate.

Exchange of certain Debentures for Dominion Notes.

3. From the date of any such arrangement with any Bank, it shall no longer be bound to hold any Provincial Debentures or other government securities which it may be now required by law to hold.

No obligation to hold debentures after surrender.

4. Every Bank so surrendering its power to issue notes shall made a weekly return to the Auditor of its notes redeemed and withdrawn from circulation, and of those still outstanding, and the compensation hereinbefore authorized shall be paid to it half yearly in proportion to the amount so redeemed and withdrawn, computed on the average of the weekly returns for the half year, until the amount redeemed is equal to nine-tenths of its circulation on the thirtieth day of April, one thousand eight hundred and sixty-six, when it shall be entitled to compensation on the full amount thereof.

Weekly returns to the Auditor; and payment of compensation, half yearly.

5. The powers of the Governor in Council in making an arrangement with any Bank for the surrender of its power to issue notes, shall extend to any provisions which may be deemed expedient respecting the redemption of the notes of such Bank, or the right of reissuing any such notes during the period agreed upon for the gradual redemption thereof, and generally to all provisions which the Governor in Council may deem expedient to the convenient working of this Act, and not inconsistent with the enactments contained in it, subject, nevertheless, to the arrangements already made under the authority of the Act of the late Province of Canada hereinafter mentioned; and any Order in Council for giving effect to such provisions shall have the force of law.

Powers of Governor in Council in making arrangement with any Bank.

6. Any Bank which may have surrendered its power to issue notes, may resume such power after giving at least three months notice in writing to the Receiver General, and publishing such notice during the like period in the *Canada Gazette;*

Power to resume right of issue.

Consequence of resumption. *Gazette*; but such Bank shall, from the expiration of such notice, cease to receive compensation on its notes withdrawn from circulation, and shall pay back to the Receiver General any sum it has received from him in Dominion notes in exchange for Provincial Debentures or other Government securities, which shall then be redelivered to the Bank, and the Bank shall be bound to hold the amount of Provincial Debentures or other securities required by its charter, before it shall resume the issue of notes.

As to rights on renewal of charters. 7. No Bank surrendering its power to issue notes shall thereby be deprived of its claim to any privilege or power which shall be granted to other Banks on the renewal of their charters, in the year one thousand eight hundred and seventy.

Recital. 8. And whereas by an Act of the Legislature of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, and intituled:

29 30 V. c. 10. "An Act to provide for the issue of Provincial Notes," the Governor of that Province in Council was empowered to authorize the issue of Provincial Notes for the general purposes of the Province, to the amount of five millions of dollars, and to a further amount not exceeding three millions of dollars for purposes relative to the surrender by all or any of the chartered Banks of the Province of their power to issue notes, under provisions similar to those made in this Act, and it was provided that such notes should be of such denominational values and in such form as the Governor in Council might direct, and be redeemable in specie on presentation at offices to be established at Montreal and Toronto, and at that one of the said places at which they were respectively made payable, and should be a legal tender except at the offices aforesaid: And whereas such Provincial Notes to the amount of five millions of dollars were in pursuance of the said Act issued for the general purposes of the Province, and a further amount for purposes relative to the surrender by the Bank of Montreal of its power to issue notes, and for such other purposes provided for by the aforesaid Act as are specified in the agreement with the said Bank approved of by the Governor in Council; and Provincial Notes to an amount equal in the whole to eight millions of dollars, were engraved and prepared for issue;—therefore, the Provincial Notes issued or prepared for issue as aforesaid, to an amount not exceeding in the whole eight millions of dollars, shall be held to be Notes of the Dominion of Canada, and having been or being hereafter issued under the Act above cited or this Act, shall be redeemable in specie on presentation at offices established or to be established at Montreal, Toronto, Halifax and St. John (New Brunswick), and at that one of the said places at which they may be respectively made payable, and being so redeemed may and might be again re-issued for the general purposes of the Dominion, and shall be (as provided by the Act before cited) a legal tender except at the offices at which

Certain Provincial Notes issued under that Act to be Dominion Notes: redemption, re-issue, &c.

which they are respectively made payable;—and the said eight millions of dollars in such notes, not issued under the provisions of the Act before cited, may be issued as Dominion Notes for the purposes of this Act;

Issue of balance not yet issued.

Provided always, that such of the said Notes as are made payable at Halifax, shall, so long as the currency of Nova Scotia remains such as it now is, be redeemable in that currency, that is, at the rate of one pound sterling, English, for every five dollars of the face value of such notes; and shall be a legal tender in Nova Scotia only;

Proviso: as to notes redeemable at Halifax.

And provided also, that instead of re-issuing any such Provincial Notes, the Governor in Council may authorize the issue of Dominion Notes to an amount not exceeding that of the Provincial Notes redeemed, and such Dominion Notes may be of such denominational values and in such form, and signed by such persons and in such manner, by lithograph, printing or otherwise as he may from time to time direct, and such Notes shall be redeemable in specie on presentation at offices to be established at Montreal, Toronto, Halifax and St. John, and at that one of the said places at which they may be respectively made payable, and shall be a legal tender except at the offices at which they are respectively made payable; subject always to the foregoing proviso as to those made payable at Halifax, so long as the currency of Nova Scotia remains unchanged.

Proviso: for issue of Dominion Notes instead of Provincial Notes redeeemed.

9. The Governor may in his discretion establish branches of the Receiver General's department in Montreal, Toronto, Halifax and St. John, respectively, for the issue and redemption of Provincial or Dominion notes, or he may make arrangements with any chartered Bank or Banks, for the issue and redemption thereof, and may for such service allow a commission not exceeding one quarter of one per cent, for every three months, upon the average amount of notes in circulation during that period.

Offices for redemption of notes.

10. The sum to be held in specie by the Receiver General for the redemption of Provincial or Dominion notes, shall be twenty per cent, upon the amount thereof in circulation, so long as such amount does not exceed five millions of dollars; for any excess over five millions, twenty-five per cent. of such excess shall be so held; and Debentures of the late Province of Canada or of the Dominion of Canada, shall be held by the Receiver General, to the full amount by which the specie held as aforesaid fails to cover the whole amount of Provincial or Dominion notes outstanding at any time; and debentures of the Dominion may be issued and delivered to the Receiver General for this purpose; such debentures being so held for securing the redemption of the Provincial or Dominion notes, and the Receiver General having full power to dispose of them, either temporarily or absolutely, for raising funds for that purpose, or for procuring the

Sums to be held in specie for redemption of Provincial or Dominion Notes:

Debentures for any difference between such specie and amount of notes.

Power of Receiver General.

the amounts of specie to be held by him under the provisions of this section.

Commissioners for ascertaining the amount of notes issued and specie and debentures held.

11. The Governor in Council shall, from time to time, appoint Commissioners, three for the Province of Ontario, and three for the Province of Quebec, two for Nova Scotia and New Brunswick, with such remuneration as he shall determine, whose duty it shall be to examine on the first Wednesday of every month, or on such other days as may be from time to time directed by the Governor in Council, into the number of Provincial or Dominion notes then issued and outstanding at the Branch Departments of the Receiver General, or the offices of the Banks issuing the same, at Montreal, Toronto, Halifax and St. John, respectively, and also into the amount of specie and debentures then held at the said places respectively for the redemption of such notes; and upon such examination, the said Commissioners for each of the said Provinces respectively, or any two of them, shall return the result of such examination under oath to the Auditor, who shall publish such return in the next number of the *Canada Gazette*; and such oath shall be in the following form, or in such other form as may from time to time be directed by order in Council, and if wilfully false shall subject the person taking the same to all the pains and penalties of the crime of perjury:

Result of examination to be returned on Oath and published.

Form of Oath.

" We, A. B. &c., Commissioners for (the Province of Quebec " *or as the case may be*) make oath and say, that on the " day of A. D., 18 , the Provincial or Dominion notes " outstanding and in circulation from (Montreal, *or as the case* " *may be*) amounted to dollars, and the Specie and " Provincial or Dominion debentures then held for the redemp- " tion of such notes at (Montreal, *or as the case may be*) " amounted to dollars in specie and dollars in " debentures."

Proceeds and expenses of Notes.

12. The proceeds of the said Provincial or Dominion notes shall form part of the Consolidated Revenue Fund of Canada, and the expenses lawfully incurred under this Act shall be paid out of the said Fund.

Interpretation.

13. The word " specie " in this Act means coin current by law of that one of the Provinces in which any Provincial or Dominion note is made payable, at the rates and subject to the provisions of the law in that behalf, or Bullion of equal value according to its weight and fineness;—and the expression " Provincial Debentures or Government Securities " in the first, second, third and sixth sections of this Act, means and includes any Debentures, which under the charter of the Bank in question may be held by it in compliance with any provision in its charter obliging it to invest a certain portion of its capital in such Debentures or Securities.

14.

14. If any person engraves or in anywise makes upon any plate whatever, or upon any wood, stone or other material, any note purporting to be a Provincial Note, or a Note of the Dominion of Canada, without the authority of the Minister of Finance, the proof of which shall lie on the party accused; or if any person engraves or makes upon any plate whatever, or upon any wood, stone or other material, any word or words resembling or apparently intended to resemble any subscription subjoined to any Provincial Note, or Note of the Dominion of Canada, without such authority, to be proved as aforesaid; or if any person without such authority, to be proved as aforesaid, uses, or without lawful excuse, to be proved by the party accused, knowingly has in his custody or possession, any plate, wood, stone or other material upon which any such Provincial Note, or Note of the Dominion of Canada, or part thereof, or any word or words resembling or apparently intended to resemble such subscription as aforesaid has been engraved or made; or if any person without such authority, to be proved as aforesaid, knowingly offers, utters, disposes of or puts off, or without lawful excuse, to be proved as aforesaid, knowingly has in his custody or possession any paper upon which any part of such Provincial Note, or Note of the Dominion of Canada, or any word or words resembling or apparently intended to resemble any such subscription, has been made or printed, every such offender shall be guilty of felony, and on conviction shall be liable to be imprisoned in the penitentiary for any term not less than two years nor more than seven years, or to be imprisoned in any Common Gaol for any term less than two years, in the discretion of the court before which the conviction is had.

Punishment for forging notes, &c.

Having plates, &c., in possession.

Uttering notes, &c.

15. So much of any Act or law in force in this Dominion as may be inconsistent with this Act, is hereby repealed.

Repeal of inconsistent enactments.

CAP. XLVII.

An Act respecting the Manufacture or Importation of Copper Coins or Tokens.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. Except the lawful copper coin of the United Kingdom, or copper coins legally current in Canada, under any Act in force in Canada, or in any of the Provinces in Canada, or any Proclamation issued under the authority of any such Act, no person, body politic or corporate, shall import into Canada, or manufacture therein any Copper or Brass Coin or Tokens of any description.

Copper Coin not to be imported or manufactured in Canada.

2.

Penalty for unlawful manufacture or importation of copper coin.

2. Whosoever manufactures in Canada any Brass or Copper Coin or Tokens or imports into Canada any Copper or Brass Coin or Tokens, other than such as are lawfully current therein, under any Act or law then in force in any of the Provinces constituting Canada, with the intention of putting the same into circulation as current Coin or Tokens, shall incur a penalty not exceeding twenty dollars, for every pound Troy of the weight thereof; and all such Coin or Tokens as aforesaid imported or manufactured shall be forfeited to Her Majesty, for the public uses of Canada.

Seizure of such coin.

3. Any two or more Justices of the Peace, on the oath of a credible person, that any such Coin or Tokens have been unlawfully manufactured or imported as aforesaid, shall cause the same to be seized and detained, and shall summon the person in whose possession the same have been found, to appear before them, and if it appears to their satisfaction, on the oath of a credible witness, other than the informer, that such Coin or Tokens have been manufactured or imported in contravention of this Act, such Justices shall declare the same forfeited, and shall place them in safe keeping to await the disposal of the Governor, for the public uses of Canada.

Forfeiture on proof.

When the penalty shall be enforced.

4. If in like manner, it appears to the satisfaction of such Justices, that the person in whose possession such Coin or Tokens were found knew the same to have been so illegally manufactured or imported, they may condemn the offender to pay the penalty aforesaid with costs, and may commit him to the Common Gaol of the district, county or place, or other place of confinement, for a period not exceeding two months, if such penalty and costs are not forthwith paid, or until the same be paid.

Recovery of penalty from the owner in certain cases.

5. If it appears to the satisfaction of such Justices of the Peace, that the person in whose possession such Coins or Tokens were found, was not aware of their having been so illegally manufactured or imported, the penalty may, on the oath of any one credible witness other than the plaintiff, be recovered, from the owner thereof, by any person who sues for the same in any Court of competent jurisdiction.

Officer of customs may seize such coin.

6. Any officer of Her Majesty's Customs may seize any Coin or Tokens, imported or attempted to be imported into Canada in contravention of this Act, and may detain the same as forfeited, to await the disposal of the Governor, for the public uses of Canada.

Uttering illegal copper coin.

7. Whosoever utters, tenders, or offers in payment any Copper or Brass Coin, other than current Coin or Tokens issued under lawful authority, or such Coins or Tokens as have been lawfully imported into, or manufactured in Canada, according to the provisions of any Act or law heretofore in force in any of the

the Provinces now constituting Canada, shall forfeit double the nominal value thereof.

8. Such penalty may be recovered, with costs, in a summary manner, on the oath of one credible witness, other than the informer, before any Justice of the Peace, who if such penalty and costs be not forthwith paid, may commit the offender to the Common Gaol of the district, county, or place or other place of confinement, for a period not exceeding eight days, or until the same be paid, if sooner paid. Recovery of penalty.

9. One moiety of any of the penalties imposed by any of the next preceding six sections of this Act (but not the Coins or Tokens forfeited under the provisions thereof), shall go to the informer or person suing for the same, and the other moiety shall belong to Her Majesty for the public uses of Canada. Disposal of penalties.

10. The words " Copper or Brass Coins or Tokens " in this Act shall include Coins or Tokens of Bronze, or of any other mixed metal, or other than gold or silver. Interpretation.

CAP. XLVIII.

An Act respecting Insurance Companies.

[*Assented to 22nd May,* 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

1. The following terms and expressions whenever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to, or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say : Interpretation clause.

" Company," means and includes any Corporation, and any Society or Association, incorporated or unincorporated, and any partnership carrying on the business of Insurance other than that of Marine Insurance only ; Company.

" Agent," means the principal Agent of the Company in Canada, named as such in the power of Attorney hereinafter referred to, by whatever name he may be designated ; Agent.

" Chief Agency," means the principal Office or place of business of the Company in Canada. Chief agency.

2. Except Companies transacting in Canada Ocean Marine Insurance business exclusively, it shall not be lawful for any Insurance Company, to issue any Policy of Insurance, or take any risk, or receive any premium or transact any business of Insurance in Canada, or to prosecute or maintain any suit, action No company to act without a license, unless transacting exclusively Ocean Marine Insurance.

action or proceeding either at Law or in Equity, or to file any claim in Insolvency, without first obtaining a License from the Minister of Finance to carry on business in Canada; but the premiums to become due on policies actually issued previous to this date, may continue to be received, and the losses arising thereon may be paid as if this Act had not been passed.

Proviso: as to existing policies.

Minister of Finance to grant license, and when.

3. The Minister of Finance shall issue such License as aforesaid, so soon as the Company applying for the same has deposited through him in the hands of the Receiver General, the sums of money or securities hereinafter mentioned and required, and such Licence shall specify the business to be carried on by the Company.

Deposit to be previously made by companies obtaining licenses.

4. The deposit to be so made, as aforesaid, shall be as follows, to wit: by every Life, Fire, Inland Marine, Guarantee or Accident Insurance Company, a sum of not less than Fifty thousand Dollars, and such sum shall be deposited before the License is issued, except only in the case of Companies incorporated before the passing of this Act, by Act of the Parliament of Canada, or of the Legislature of any of the late Provinces of Canada, Lower Canada or Upper Canada, or of Nova Scotia or New Brunswick, or which may have been or may hereafter be incorporated by the Parliament of Canada or by the Legislature of any Province of the Dominion, and carrying on the business of Life or Fire Insurance or of Inland Marine Insurance or both the latter, but no other, which Companies may make such deposit in three equal annual instalments, the first of which shall be paid before the issue of the License, on or before the first day of August, one thousand eight hundred and sixty-nine.

Exception in favor of certain companies, who may make deposit by instalments.

Deposit for each branch of business.

Proviso: as to combination of certain branches.

5. When any Company carries on more than one description of Insurance business, it shall make a separate deposit as aforesaid, for each Branch of its business; Provided that a Company combining Life and Accident Insurance or Fire and Inland Marine Insurance shall only be required to make one deposit for each such combination of two branches of business; and with respect to any Insurance business other than those hereinbefore specified, the Minister of Finance may prescribe the amount of deposit which shall be required.

Additional obligation of a Company whose deposit is less than $100,000: to deposit certain moneys received from premiums.

6. Except only as regards Companies entitled to make their deposits by instalments as aforesaid, whenever and so long as the deposit of any Company, under this Act, shall be less than one hundred thousand dollars, the Agent of such Company shall send in yearly to the Minister of Finance, within one month after the first day of January of each year, returns under oath, of the amount of premiums received by the Company on risks in Canada, and after deducting twenty-five per cent. therefrom, and the net amount of losses or claims actually paid, shall deposit in the hands of the Receiver General for the purposes of this Act, and subject to its provisions, the balance of such premiums,

premiums, until the deposit of such Company shall be equal to one hundred thousand dollars; and so long as such deposit is under one hundred thousand dollars, no interest or dividends shall be paid on the actual deposit, but such interest or dividend shall be added to the principal every half year until, with the premiums hereinbefore mentioned, the deposit shall amount to one hundred thousand dollars; Provided, that any Company combining the business of Fire and Life Insurance, shall be required to make such additional deposit only as regards the premiums received for Life Insurance; and provided also that any Life Insurance Company incorporated in Canada since the Union which shall deposit all the balance of the premiums received by it, after the deductions above provided for, until such deposit amounts to one hundred thousand dollars, and that any Fire Insurance Company so incorporated, which shall deposit all its receipts from payments on its shares, and the balance of premiums as aforesaid, shall not be subject to any provision of this Act requiring any other deposit.

Proviso.

Proviso.

Proviso.

7. It shall be the duty of the Receiver General forthwith to invest the amount of any such deposit made in cash, in Canada Dominion Stock, in Trust for the Company making such deposit, for the purposes of this Act; and except as hereinafter provided, in case of the Insolvency of the Company, such Stock or the amount of such deposit, shall not be lessened, disposed of or surrendered to the Company without the order of the Governor in Council.

Investment of deposit.

Not to be diminished except as hereinafter provided.

8. Except in the cases with respect to which it is otherwise provided, so long as the amount of the deposit which any Company is required to have then made is unimpaired, and no notice of any judgment or order to the contrary is served upon the Minister of Finance and the Receiver General, the interest upon the Stock or securities representing or forming part of such deposit shall be payable to the Company.

Interest on investment: how to be dealt with.

9. Every Company obtaining such License as aforesaid, shall, before the transaction of any business of Insurance, file in the Office of either of the Superior Courts of Law or Equity in that one of the Provinces of Ontario, Nova Scotia, or New Brunswick, in which it has its Chief Agency, (if such Chief Agency be in one of those Provinces) or if the Chief Agency be in the Province of Quebec, with the Prothonotary of the Superior Court of the district wherein such Chief Agency is established, a certified copy of the Charter, Act of Incorporation or Articles of Association of the Company, and also a Power of Attorney from the Company to its Agent in Canada, under the Seal of the Company, (if it have a Seal) and signed by the President and Secretary or other proper officer thereof, and verified as to its authenticity by the oath of the Agent of such Company in Canada, or of some person cognizant of the facts necessary to its verification, which power of Attorney must declare at what place in Canada, the Chief Agency

Certain documents to be filed in the Courts by Companies licensed.

Must authorize agent to receive service of process.

Agency of the Company is, or is to be, established and must expressly authorize such Agent to receive process in all suits and proceedings against such Company in Canada, for any liabilities incurred by the Company therein, and must declare that service of process for or in respect of such liabilities, at such Chief Agency or personally on such Agent at the place where such Chief Agency is established, shall be legal and binding on the Company to all intents and purposes whatever.

Service of process on Companies according to such documents to be valid.

10. After the certified copies referred to in the next preceding section, and such Power of Attorney are filed as aforesaid, any process in any suit or proceeding against such Company, for any liabilities incurred in Canada, may be served on the Company at its Chief Agency, in the same manner as process may be served upon any Company incorporated in Canada, and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as in proceedings in any Civil suit in Canada.

Company to give public notice of its being licensed.

11. Every Company obtaining such License as aforesaid, shall forthwith give due notice thereof in the Canada Gazette, and in at least one Newspaper in the County, City, or place where the Chief Agency is established, and shall continue the publication thereof for the space of one calendar month, and the like notice shall be given when such Company shall cease, or notify that they intend to cease, to carry on business in Canada.

Every Foreign Stock Company must have at least $100,000 unimpaired capital.

12. No Foreign Stock Company shall transact any business of Insurance in Canada, unless such Company is possessed of at least one hundred thousand dollars of paid up and unimpaired Capital, or accumulated surplus Funds invested in good and sufficient securities, nor shall any License be issued in favour of such Company, until a statement under oath to that effect is filed with the Minister of Finance sworn to by some one whose duty it is to know and who is personally cognisant of the fact sworn to; Provided that the unimpaired amount of the deposit of any Company then in the hands of the Receiver General shall be reckoned as part of its capital.

Proviso: deposit to be reckoned as part.

Penalty for issuing policy, &c., without license.

13. Any person who shall deliver any Policy of Insurance or collect any premium, or transact any business of Insurance on behalf of any such Company as aforesaid, without such License as aforesaid, or if such License has been withdrawn, without the renewal thereof, or without filing the copy of the Charter, Act of Incorporation, or Articles of Association of the Company, and a Power of Attorney as hereinbefore provided, shall be liable to a penalty of one thousand dollars for each such contravention of this Act, which penalty may be sued for and recovered on information filed in the name of the Attorney General for Canada, and shall be paid to the Crown, and in case of non-payment of such penalty in one month after such judgment, the person so offending shall be liable to imprisonment in

How recoverable, &c.

in any gaol or prison in the jurisdiction where he is convicted, for the space of three months.

14. Subject to the exception in the next following section, every Company so licensed shall transmit annually, to the Office of the Minister of Finance, a statement in duplicate, verified by the oath of the President, Manager, or Agent of such Company, or of any person cognizant of the facts, containing the particulars mentioned in the form in the Schedule to this Act, applicable to the case, such statement to be made up to the First day of July next preceding, or to the usual balancing day of the Company, provided such balancing day be not more than twelve months in the case of Life Assurance Companies and six months in the case of other Companies before the filing of such statement, and a copy of such statement shall be published in the *Canada Gazette*; and the Minister of Finance shall cause the statements or an analysis thereof to be laid before Parliament, within thirty days after the commencement of each Session thereof, and any Company failing to comply with the provisions of this section shall forfeit and pay to the Crown, the sum of one thousand dollars to be recovered on information to be filed in the name of the Attorney General for Canada, in that behalf; and with respect to any kind of business not provided for in the said schedules, the Minister of Finance may prescribe the form of return which shall be made, under the like penalty, and recoverable in the like manner, and the Minister of Finance may from time to time vary the forms in the said schedules, as far as regards the business done by any Company in Canada, or grant an extension of time for filing the same according as experience or the special constitution of any Company may require.

Annual statements to be transmitted to the Minister of Finance in the forms given in the schedule.

Analysis to be laid before Parliament.

Form of statement in cases not provided for: Minister to prescribe.

15. No Insurance Company, established in the United Kingdom, and which is not bound by the laws in force there to furnish or publish statements of its affairs, shall be liable to the obligation, or to the penalty mentioned in the next preceding section, provided such Company, if a Fire Insurance Company only, has deposited not less than one hundred thousand dollars, if a Life, or Fire and Life Insurance one hundred and fifty thousand dollars, in the hands of the Receiver General, for the purposes of this Act, and subject to all the provisions thereof, but every such Company shall publish and file with the Minister of Finance on or before the thirty-first day of January in each year, a general statement under oath of the Agent in Canada, containing the particulars mentioned in the form D, in the Schedule annexed to this Act.

Exception as to statements by certain Companies established in the United Kingdom.

16. In case of the Insolvency of any Company, the stock representing the deposit of such Company shall be applied *pro rata* towards the payment of all claims duly authenticated against such Company, upon or in respect of policies issued in Canada; and any such Company shall be deemed Insolvent upon failure to pay any undisputed claim arising or loss insured against in Canada for the space of thirty days after being due,

Application of deposit to pay claims in case of Insolvency of a Company.

When to be deemed insolvent.

or,

or, if disputed, after final judgment and tender of a legal valid discharge and (in either case) after notice thereof to the Minister of Finance; and the distribution of the proceeds of such stock may, if applied for in the Province of Ontario, or of Nova Scotia, or of New Brunswick, be made by order in Chancery, or in Equity, or if applied for in the Province of Quebec, may be made, by judgment or order of distribution of the Superior Court within the district where the Chief Agency is situated; Provided that in any case when a claim for loss is by the terms of the policy payable on proof of such loss, without any stipulated delay, the notice to the Minister of Finance under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due.

Distribution of proceeds of deposit.

Proviso.

Order of the Court in cases of distribution.

17. For the purposes of such distribution the Court may order that the stock of the Company so Insolvent be transferred to and inscribed in the Government stock books, at or nearest to the place of the Chief Agency, and within the jurisdiction of the Court, if such stock be not already inscribed there, and may order that no further interest on such stock be thereafter paid to the Company, and that such stock or any part thereof be sold in such manner and after such notice and formalities as the Court may appoint.

License to be null on failure to pay deposits, or balance of premiums: and in case of insolvency.

18. Whenever any Company entitled to make the deposits required by this Act by instalments, fails to pay any such instalment when due,—or if any Company fails to pay to the Receiver General the proper balance of its premiums as required by this Act, and at the time required by it,—or whenever notice has been given to the Minister of Finance under the next preceding section but one, so that the amount of the stock representing the deposit of such Company is liable to be reduced by sale of any portion thereof, the license of such Company shall *ipso facto* be null and void and shall be deemed to be withdrawn; but such License may, in the case last mentioned, be renewed and the Company may again transact business, if within sixty days after notice to the Minister of Finance of the Company's failure to pay any undisputed claim, or the amount of any final judgment, as provided in the said section, undisputed claims or final judgments upon or against the Company in Canada, are paid and satisfied and the Company's deposit is restored to the amount required by this Act.

Renewal in certain cases.

Provision in case of the Company ceasing to do business in Canada.

19. After any Company has ceased to transact business in Canada, and given the notice required by this Act to that effect, it shall be lawful for the Governor in Council on the report of the Treasury Board, to authorize the whole or any portion of the stock or other securities so held in deposit for any Company as aforesaid, to be released and transferred to the Company upon being satisfied that it has no liabilities upon policies issued in Canada, and that no suit or legal proceedings are pending against the Company therein, or on proper proof on oath of the state of its affairs being given, that such Company has ample assets to meet all its liabilities; and upon

upon such authority being given by the Governor in Council, the Company shall be entitled to receive, instead of any Dominion stock so held, the amount thereof in money at par. Return of deposit.

20. Mutual Fire Insurance Companies having their head office in any part of Canada, shall register their names with the Minister of Finance, and shall make annual returns in such form as may be prescribed by him; Any such Mutual Fire Insurance Company receiving cash or part cash premiums in lieu of premium notes, or accepting risks other than from its own members, shall deposit in the hands of the Receiver General one third of the cash premiums received by it, but the total amount of such deposit need never exceed the average annual amount of the cash premiums received by the Company during the three years next preceding the date of its then last Return, or the average annual amount of losses sustained during the same period; and if such Mutual Fire Insurance Company receive no cash premiums whatever in lieu of premium notes, and act wholly and exclusively on the Mutual Principle, it shall not be bound to make such deposit. Mutual Insurance Companies to be subject to this Act in certain cases only except as to returns.

21. As regards Fire Insurance Companies in the Provinces of Ontario and Quebec, licensed under the Acts of the Legislature of the late Province of Canada, twenty-third Victoria, chapter thirty-three, and twenty-sixth Victoria, chapter forty-three, the securities given under those Acts by any such Company complying with the requirements of this Act, may be delivered up to them respectively on the warrant of the Minister of Finance, who shall grant such warrant on the conditions herein specified, on being satisfied that there is no claim for which such securities are liable under the provisions of the said Acts, or he may grant such warrant for the delivery of part thereof, provided he is satisfied that the remaining part is sufficient to satisfy any such claim; provided always, that any sum deposited under this Act, shall stand as security for the payment of any claim against the Company depositing it, if licensed under the said Acts, whether such claim accrued before or after the coming into force of this Act; but any Company which has deposited securities of the late Province of Canada under the Acts last mentioned may have the same accepted as so much of the deposit required under this Act, and as respects other securities given under the said Acts it shall be lawful for the Minister of Finance to allow such securities to remain for a period of two years, during which they may be reckoned as part of the deposit required by this Act, and subject to its provisions, and during which the interest of such securities shall be taken by the Receiver General and remain in his hands as part of the deposit; but at the lapse of such time, the said Company shall be bound to make the deposits in cash in the fourth and sixth sections of this Act specified; And the deposit already made by any such Company of the Power of Attorney and other documents

As to Companies in Ontario and Quebec, licensed under Acts of the late Province of Canada, 23 V. c. 33; 26 V. c. 43.

Provision as to deposit under this Act.

And as to deposits under the Acts cited.

As to power of Attorney, &c., filed by such companies.

documents specified in the ninth section of this Act, shall, if the same fulfil the requirements of this Act, be construed as made under its provisions.

As to British or Foreign companies which cannot by law invest in Canadian securities.

22. And as regards British and other Foreign Insurance Companies actually doing business in Canada at the time of the passing of this Act, which cannot by the terms of their constitutions or charters or by law, invest in Canadian securities, it shall be lawful for the Minister of Finance, with the approval of the Governor in Council, to receive the amount of the deposit required of them under this Act, in British or Foreign Government securities, including Stock of any one or more of the United States, at their then market value, but with power to him to require from time to time, if such market value should decline, additional security equivalent to their diminution in value;—and the portion of the premiums received by any such Company required to be deposited under this Act, may be invested by the Company in any such British or Foreign Stock as aforesaid, and such Stock may be deposited with the Receiver General subject to the provision above made as to value, and diminution in value;—but all such Stock shall be replaced by cash or investment to the amount aforesaid within three years from the issue of the license to the Company, otherwise such license shall be void; And as regards any such Company acting on the mutual principle in such wise as to be unable legally to make a deposit under this Act, for the security of policy holders resident in Canada the deposit may be for the general benefit of all its members, but the Company shall specify the fact when making the deposit and in all returns made or published by them.

Proviso.

Provision as to any such company acting on the mutual principle.

Lists of companies licensed to be published.

23. The Minister of Finance shall publish quarterly in the *Canada Gazette*, a list of Companies licensed under this Act with the amount of deposits made by each, stating whether such deposit is for the security of the Canadian policy holders, exclusively, or for the general security of all policy holders.

Commencement of this Act.

Repeal of former Acts.

Exception.

24. This Act shall come into force on the first day of August next, from and after which day the Acts mentioned in the twenty-first section shall be repealed, subject to the provision made in the said section; and chapter forty-five of the Acts of the Legislature of New Brunswick, passed in the nineteenth year of Her Majesty's Reign, and intituled: "An Act relating to Insurance Companies not incorporated by Act of Assembly in this Province," shall be repealed on and after the said day, except as regards penalties or liabilities theretofore incurred under it.

Act not to apply to companies incorporated by Legislatures of any Province, and doing business therein only.

25. The Provisions of this Act as to deposit and issue of license shall not apply to any Insurance Company incorporated by any Act of the Legislature of the late Province of Canada or incorporated or to be incorporated under any Act of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick,

Brunswick, so long as it shall not carry on business in the Dominion beyond the limits of that Province by the Legislature or Government of which it was incorporated, but it shall be lawful for any such company to avail itself of the provisions of this Act.

SCHEDULE—FORMS.

FORM A.

Statement to be made by every Life or Accident Insurance Company, except Companies mentioned in Section fifteen.

(*Name of the Company.*)	$ cts.
Assets of the Company......................	
Liabilities of do.	
Amount of Capital Stock......................	
Amount paid thereon......................	
Of what the assets of the Company consist, viz: (*insert particulars*).	
Total premiums received during the year.......	
Number and amount of Policies issued during the year	
Amount of claims from death (or accident) do. .	
Expenses of management, agency, &c........	
Total premiums received during the year in Canada	
Number and amount of Policies issued do.	
Amount at risk on total policies issued in Canada.	
Number and amount of policies that have become claims in Canada, during the year by death (or accident)......................	

FORM B.

Statement to be made by a Fire or Guarantee Insurance Company, whose deposits are not less than one hundred thousand dollars, (except Companies mentioned in section 15,) *referred to in section four.*

	$ cts.
Assets of the Company......................	
Liabilities of the Company......................	
Amount of Capital Stock......................	
Amount paid thereon......................	
Of what the assets of the Company consist, viz: (*insert particulars*)......................	
Amount of losses paid during the year.........	
Amount of losses due and unpaid.............	
Losses adjusted and not due..................	
Losses in suspense and waiting further proof...	

Losses

	$ cts.
Losses, the payment of which is resisted and for what cause........................	
All other claims against the Company..........	
Amount of premiums earned for the past year...	
Amount of premiums unearned for the past year.	
Number and amount of policies issued during the year..............................	
Amount at risk on total policies in force in Canada..................................	
Losses in Canada paid during the year........	
Do. adjusted and not due......	
Do. in suspense and waiting for further proof...........	
Do, the payment of which is resisted and for what cause.	
All other claims against the Company.........	
Premiums earned in Canada during the year...	
Do. unearned do do	

Form C.

Statement to be made by a Fire or Guarantee Insurance Company whose deposits are under one hundred thousand dollars, except those referred to in section four.

	$ cts.
Amount of Premiums received during the year on risks effected in Canada less twenty-five per cent. and the net amount of losses actually paid..............................	
Deposit in conformity with the second section of the said Act..............................	
Assets of the Company......................	
Liabilities of the Company....................	
Amount of Capital Stock.....................	
Amount paid thereon........................	
Of what the assets of the Company consist, viz: (*insert particulars*).......................	
Amount of losses paid during the year.........	
Amount of losses due and unpaid............	
Losses adjusted and not due.................	
Losses in suspense and waiting for further proof..................................	
Losses the payment of which is resisted, and for what cause..........................	
All other claims against the Company.........	
Amount of premiums earned during the past year.	
Amount of premiums unearned...............	
Amount at risk on total policies in force in Canada..................................	
Losses in Canada paid during the year.......	
Losses in Canada adjusted and not due........	

Losses

	$ cts.
Losses in suspense and waiting for further proof..................................	
Losses the payment of which is resisted and for what cause..........................	
All other claims against the Company.........	
Premiums earned in Canada during the year..	
Premiums unearned in Canada during the year.	

FORM D.

Statement to be made by an Insurance Company referred to in Section fifteen.

	$ cts
Total premiums received during the year, in Canada..............................	
Number and amount of policies issued do. do.	
Amount at risk in total policies in force in Canada.	
Number and amount of policies that have become claims in Canada during the year.........	
Amount of losses in Canada paid during the year.	
Amount of losses in Canada in suspense and waiting further proof....................	
Losses in Canada the payment of which is resisted and for what cause..................	
Amount of premiums earned for the past year in Canada	
Amount of premiums unearned in Canada.....	

CAP. XLIX.

An Act constituting the Department of Inland Revenue.

[*Assented to 22nd May,* 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows: Preamble.

1. There shall be a department to be called the "Department of Inland Revenue," over which the Minister of Inland Revenue for the time being, appointed by the Governor, by Commission under the Great Seal, shall preside. Department constituted. Minister.

2. There shall be a Commissioner of Inland Revenue and an Assistant Commissioner who shall also be Inspector of Inland Revenue, both of whom shall hold office during pleasure, and shall perform such duties as may be assigned to them respectively, from time to time, by law, or by the Governor General, or by the Minister of Inland Revenue. Commissioner and Assistant Commissioner.

3.

Of what matters the Department shall have the control and management.

3. The Department of Inland Revenue shall have the control and management—

1. Of the collection of all duties of Excise ;

2. Of the collection of Stamp Duties and the preparation and issue of stamps and stamped paper, except postage stamps ;

3. Of Internal Taxes ;

4. Of Standard Weights and Measures ;

5. The administration of the laws affecting the culling and measurement of timber, masts, spars, deals and staves, and other articles of a like nature, and the collection of slidage and boomage dues ;

6. The collection of Bridge and Ferry tolls and rents ;

Subject to special Acts.

Subject always to the provisions of the Acts relating to the said subjects and matters connected therewith.

Governor may appoint officers, and fix their pay, &c.

4. The Governor General may, from time to time, appoint officers and other persons to carry out this Act and all other Acts relative to the matters and things placed under the control and management of the Department of Inland Revenue, or any Order in Council or regulations made thereunder, and the Governor in Council may assign the names of office of such officers and persons and grant them such salaries or pay for their labour and responsibility as he may deem reasonable and necessary, and may appoint the times and manner in which the same shall be paid ; but no such officer or person shall receive a higher annual salary than is allowed in his case by any Act of the Parliament of Canada, respecting the Civil Service generally, then in force

Proviso.

Board of Examiners of applicants for employment.

5. The Governor General may appoint a Board of Examiners whose duty it shall be to examine all persons employed, or who have applied in the manner and have complied with the conditions prescribed by departmental regulations, for employment under the Department of Inland Revenue, to classify them according to their respective qualifications and to grant certificates accordingly.

Annual Report by Minister.

6. The Minister of Inland Revenue shall annually make to the Governor General, to be laid before Parliament, within fifteen days after the meeting thereof, a report and statement of the transactions and affairs of the Department during the year then next preceding.

Inconsistent enactments repealed.

7. So much of any Act or law as may be inconsistent with this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, is repealed, except only as to things done, obligations contracted or penalties incurred before the coming into force of this Act.

CA

CAP. L.

An Act to increase the Excise Duty on Spirits, to impose an Excise Duty on Refined Petroleum, and to provide for the inspection thereof.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

ADDITIONAL DUTY ON SPIRITS.

1. There shall be imposed, levied and collected, on all Spirits distilled or made in Canada, on which the Duty of Excise was not paid before the twenty-ninth day of April, in the present year one thousand eight hundred and sixty-eight, a Duty of Excise of three cents for every wine gallon thereof of the strength of proof, and so in proportion for any greater or less quantity, or for any greater or less strength, and such duty shall be held to have been imposed and payable on and after the day last aforesaid, and shall be in addition to the Duty of Excise imposed on such Spirits by the Act of the present Session, intituled: *An Act respecting the Inland Revenue*, and shall be computed, levied and collected in the same manner, and under the same conditions and provisions as the duty imposed by the said Act, and as if it had been imposed by that Act as part of such last mentioned duty. Additional Duty of Excise of three cents per gallon on Spirits. Act 31 V. c. 8.

PETROLEUM.

2. The words "Crude Petroleum" whenever they occur in this Act, shall mean and include all kinds of unrefined Rock or Mineral Oil or Naptha; the words "Refined Petroleum" whenever they occur in this Act, shall mean and include every description of Coal Oil, Naptha, Benzine, Benzole, Kerosene, Parafine, Lubricating or Illuminating Oil, or other Oil or Fluid distilled, manufactured or produced by any process or treatment whatever from Crude Petroleum, Rock or Mineral Oil, Coal, Coal Tar, Bitumen, Bituminous Shale or Slate, or from any other mineral substance; and unless it be otherwise specially provided, or there be something in the context inconsistent with or repugnant to such construction, all words and expressions in this Act shall have the meaning assigned to them in the said Act respecting the Inland Revenue. Interpretation clause. 31 V. c 8.

3. Crude Petroleum and Refined Petroleum, and all places or premises wherever they or either of them are or is produced, distilled, made, manufactured, treated or stored, and all tools, utensils, buildings and premises used for producing, making, manufacturing, treating or storing them or either of them, shall be Petroleum and places where it is refined to be subject to Excise.

be "subject to excise" within the meaning of the Act last above cited.

No person to act as a Refiner without a license.

4. From and after the first day of July in the present year, one thousand eight hundred and sixty-eight, no person, except such as shall have been licensed as herein provided, shall carry on the trade or business of refining Petroleum or use any still, apparatus or utensil suitable therefor:

Nor have apparatus without making a return thereof.

2. Neither shall it be lawful for any person to have in his possession, any such still, apparatus or utensil without making a return thereof to the Collector of Inland Revenue in the same manner, with the like particulars, and under the same conditions, as to the periods, form and manner of making the same, and the like penalties for any neglect or failure to make the same, as are provided with respect to apparatus and utensils subject to Excise, by the Act last above cited, and any such apparatus or utensil not so returned shall be forfeited.

Conditions, &c., on which a license may be granted.

5. A license to carry on the trade or business of refining Petroleum, may be granted by the Collector of Inland Revenue within whose division the business is to be carried on, upon the like application and security, and on the like conditions, and under the like restrictions, as are provided with respect to a Distiller's license, by the Act last above cited, and shall remain in force, (if not forfeited for any contravention of this Act) until the thirtieth day of June next after the date thereof.

Fee for license.

6. The party in whose favor a license to refine Petroleum is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars.

Duty on Refined Petroleum.

7. There shall be imposed, levied and collected, on every wine gallon of refined Petroleum, refined, manufactured or made in Canada, on or after the twenty-ninth day of April, in the present year, one thousand eight hundred and sixty-eight, a duty of excise of five cents, and the said duty shall be held to have been imposed on the day last mentioned.

Quantity liable how ascertained.

8. The quantity of the refined Petroleum made at any refinery, before or after the passing of this Act, which shall be liable to duty, shall be determined under such Regulations and by such means as may from time to time be made and prescribed by any Order of the Governor in Council.

Duties, &c., to be payable as under Inland Revenue Act.

9. All duties, inspection fees, license fees, penalties and forfeitures imposed, incurred or payable by this Act, or by or under any Regulation made by authority thereof, shall be due and payable and shall be collected, recovered or enforced, at the like periods, in the like manner, and under the like conditions as duties, fees, forfeitures and penalties are due, payable, collected, recovered or enforced under the said Act respecting the Inland Revenue.

10.

10. All persons licensed, or carrying on any business subject to Excise under the provisions of this Act, shall keep such accounts and books and make all such returns as to their business and the quantity of Petroleum, whether crude or refined, obtained, received, produced, refined, treated or manufactured by them, as may be required by any departmental regulations in that behalf; and every such person shall be liable to the like penalties, punishment and forfeitures, for failure to make such returns, for making false or imperfect returns, for failing to make true entries, for failing to pay duties, fees, fines or penalties at the proper time, for obstructing any officer of Inland Revenue or Excise in the performance of his duties, for failing to comply with regulations made by the Governor in Council or by the Minister of Inland Revenue, or other departmental competent authority, and generally for any offence against the said Act or this Act, or any default to comply with the requirements thereof, as a Distiller would be liable to for a like offence or default under the provisions of the Act last above cited and in any case of doubt, the Governor in Council may make such regulations as may be necessary for determining how far and in what manner the provisions of the said Act are applicable to the enforcement of the requirements of this Act.

Parties licensed to be subject to the provisions of the said Act.

11. Upon and after the fifteenth day of June, in the present year one thousand eight hundred and sixty-eight, it shall not be lawful to import into Canada, or to sell or offer for sale therein, or for any person except persons licensed under this Act, to have in possession (except in the cases hereinafter specially provided for), any Refined Petroleum which will not bear the "*fire test*" of at least one hundred and fifteen degrees of Fahrenheit's thermometer, without giving off vapor that will ignite or explode on the application of fire thereto.

Petroleum which will not bear a certain test, not to be imported, sold or kept.

12. From and after the day last aforesaid, all Refined Petroleum shall be subject to inspection under this Act, and it shall not be lawful after the said day to sell, offer for sale, or to have in possession, any Refined Petroleum which has not been inspected or offered for inspection under this Act; and every person having in possession any Refined Petroleum on or after the day last aforesaid, shall immediately ascertain whether the same has been inspected as required by this Act, and if it has not, he shall forthwith make application to the nearest officer authorized to inspect Petroleum, who shall thereupon make the inspection; and every person who shall fail to apply forthwith to the proper officer, or who shall fail or neglect to take all necessary steps to have the Petroleum in his possession inspected, or who shall retain in his possession (except in the cases hereinafter specially provided for), after the inspection has been made, any Petroleum which will not bear the aforesaid "*fire test*," shall be held guilty of a misdemeanor, and shall be liable on conviction thereof to punishment by imprisonment for a period not exceeding six months, or by a

Refined Petroleum to be subject to inspection.

Penalty for keeping or selling it without inspection.

a fine not exceeding five hundred dollars, or by both, at the discretion of the Court, before which the conviction shall be had; Provided always, that the Governor in Council may permit the importation, manufacture, sale and storage of Benzine and similar products of Petroleum, which will not stand the above mentioned fire test, under such regulations as he may deem necessary, and may also in like manner modify the "*fire test*" by allowing a lower degree of heat than one hundred and fifteen degrees of Fahrenheit, as regards stocks of Refined Petroleum, which, before the passing of this Act, were in the possession of persons who are not refiners.

Proviso: as to Benzine, &c., and stocks on hand before this Act.

Regulations for the storage of Petroleum.

13. The Governor in Council may from time to time make such regulations respecting the storage of Petroleum, crude or refined, as he may deem necessary for the public safety, making special regulations as to Benzine or other similar products of Petroleum if he sees fit; and may also make regulations for warehousing Refined Petroleum without payment of the duty hereby imposed, and for the application of the warehousing regulations contained in or made under the Act last above cited, to Refined Petroleum so warehoused, subject to any modification which he may consider expedient.

Party requiring inspection shall furnish implements, &c.

14. Every person having in his possession any Refined Petroleum shall, when any officer is about to inspect it, furnish for the use of such officer all necessary implements and conveniences, and shall provide all such assistance as may be required for making such inspection.

Forfeiture of uninspected Petroleum.

15. All Refined Petroleum sold or offered for sale without having been inspected and branded as herein required, or on which the duty, inspection fee, or other impost has not been paid, or secured as herein required, and all Refined Petroleum imported into Canada, or sold or offered for sale or retained in the possession of any party therein in contravention of any provision of this Act, or with respect to which any Regulation for the storage thereof has been contravened, shall be forfeited and shall be seized by any officer of Customs or Excise having a knowledge thereof, and dealt with accordingly.

Articles forfeited to be dealt with under Inland Revenue Act.

16. Any article or property seized as forfeited under this Act shall be secured, disposed of, and dealt with in like manner as is provided with respect to any article or property seized under the provisions of the Act last above cited; and any Refined Petroleum which will not stand the fire test herein provided or allowed in the special case by the Governor in Council, may, when not in the possession of a licensed Refiner be seized as forfeited, and if in the opinion of the proper officer no suitable storage is available, shall be destroyed, but if there be suitable storage available, it may be stored and afterwards sold to any licensed Refiner, or otherwise disposed of as other forfeited goods, under any departmental regulation in that behalf.

17.

17. The inspection of Petroleum required by this Act shall be performed by officers of the Inland Revenue or Customs duly authorized thereto, and such authority may be given and such inspection performed at any time after the passing of this Act, and the Governor in Council may, from time to time, make such regulations as he may think proper, for determining the nature of the fire test to be applied, the instruments to be used for applying such test, the classification to be made of the several qualities of Refined Petroleum inspected, the designation under which each quality shall be known, the mode of stamping the barrels, casks or packages containing the refined Petroleum, the prevention of frauds in relation to such stamps, the disposal of such refined Petroleum as will not stand the required fire test, and generally for giving effect to the provisions of this Act, and ensuring strict compliance with all the requirements thereof. By whom Petroleum shall be inspected, and under what regulations.

18. Every regulation or order made by the Governor in Council or by the Department of Inland Revenue, under the authority of this Act, shall, upon publication thereof, in the manner provided by the Act last above cited with respect to Regulations and orders made under it, be construed as forming part of the said Act and of this Act, and shall, until repealed or altered by any subsequent regulation, have the force of law. As to Regulations by Governor in Council.

19. On and after the fifteenth day of June, in the present year, one thousand eight hundred and sixty-eight, there shall be imposed, levied and collected an inspection fee of twenty cents, upon every barrel, cask or package containing not less than twenty gallons of refined Petroleum inspected under this Act, and upon every barrel, cask or package so inspected and containing less than twenty gallons, an inspection fee equal to one cent per gallon, and such fees shall immediately after such inspection be paid by the person owning or having the custody of such refined Petroleum, to the officer inspecting it, to be accounted for by such officer as may be provided by departmental regulations as Inland Revenue. Fees for inspection.

20. All the provisions of the Act last above cited respecting stamps, and all penalties imposed by the said Act for any contravention of any provision thereof in respect to stamps, shall equally apply to stamps attached or impressed or affixed under this Act, to or upon any barrels, casks or packages, as well as to such barrels, casks or packages, and to the contents thereof. As to stamps under this Act.

21. The Act of the Legislature of the Province of Nova Scotia, passed in the thirtieth year of Her Majesty's Reign, and intituled: *An Act to provide for the inspection of Petroleum and Coal Oils, and Burning Fluids, and to regulate the manufacture and sale thereof,*—and the Act of the Legislature of the Province of New Brunswick, passed in the thirtieth year of Her Majesty's Reign, and intituled: *An Act to provide for the Inspection* Certain Acts of N. S. and N. B. repealed.

Inspection of Petroleum and Coal Oils, and Burning Fluids, and other Oils and Fluids analogous thereto, and to regulate the manufacture and sale thereof, shall be and are hereby repealed.

This Act to be construed as one Act with the Inland Revenue Act, the provisions of which shall apply to things done under this Act.

Notices.

Books.

Accounts.

Power of officers.

Penalties.

Protection of officers.

Recovery of duties, penalties, &c.

General provision.

22. This Act shall be read and construed as one Act with the said Act passed in the present Session, and intituled : *An Act respecting Inland Revenue*, and the Act of the present Session amending it, which shall be understood when the said Act is herein mentioned; and all the provisions thereof with respect to the obligations of persons holding licenses, the notice of intention to work, the lists of apparatus used, the designation of apartments used for particular purposes, the keeping of proper books to show the quantity of any article subject to duty by any person licensed, the inspection of such books by any officer of Inland Revenue, and his right to make entries therein, or take extracts therefrom, the payment of duties and the rendering of accounts for ascertaining the amount payable, and the penalties for non-payment of duties, or the not rendering of such accounts, shall apply to all persons licensed under this Act; the provisions of the said Act respecting the powers and duties of officers of Inland Revenue and Excise, Judges, Justices of the Peace, and other officers and functionaries, shall extend and apply to persons, places, premises, apparatus, and things subject to Excise under this Act; the penalties and forfeitures imposed by the said Act or persons carrying on any business subject to excise without being thereunto licensed, or in any place to which the license does not extend, or using any fraudulent apparatus, or apparatus of which no proper return has been made, or refusing to admit officers of Inland Revenue or Excise to premises subject to excise or to assist them in the performance of their duty, or for neglecting to keep proper books, or not making the entries therein, or for using any scales, weights or measures not inspected, or breaking the Crown's lock, or abstracting goods seized or forfeited, or taking any goods from any place where they are retained under the supervision of any officer of Inland Revenue, or for counterfeiting any stamp, label, or seal, or not admitting officers of Inland Revenue, or persons assisting them or for any other contravention of the Act, shall extend and apply to, and shall be incurred by any person committing similar offences, or similar contraventions of this Act, which shall be held to be offences or crimes of the like nature and degree; the provisions of the said Act for the protection of officers and persons acting under it shall extend and apply to officers and persons acting under this Act; and the provisions of the said Act for the recovery of duties and penalties, and the liability of stock and materials, apparatus and property on the premises of the party owing any duty or having incurred any penalty, and the appropriation of penalties and forfeitures, shall extend and apply to duties, forfeitures and penalties, under this Act; and generally (and without that the general provision shall impair the effect of the special provisions in this section, or that they shall impair the effect

effect of this general provision) all the provisions of the said Act shall extend and apply, be construed, and have effect as if the foregoing sections of this Act formed part of the said Act.

23. This Act may be cited as the "Inland Revenue Act, "1868." Short title.

CAP. LI.

An Act for better securing the payment of the duty imposed on Tobacco manufactured in Canada.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Raw or Leaf Tobacco shall not be imported into Canada, except at the undermentioned Ports, namely; Halifax, St. John in New Brunswick, Miramichi, Quebec, Montreal, St. John's in the District of Iberville, Prescott, Kingston, Toronto, Hamilton, Clifton, Sarnia, Windsor and London, and at such other ports of entry as the Governor in Council may authorize. Raw tobacco to be imported at certain ports only.

2. All Raw or leaf Tobacco imported shall be bonded at one or other of the above named Ports of entry, in a Customs Warehouse which shall be subject to the approval of the Collector of Customs at the Port of entry. All such tobacco to be bonded.

3. All Tobacco grown in Canada and prepared for sale, shall, when it passes out of the possession of the occupant of the farm or premises upon which it was grown, be carried directly to and deposited either in a licensed Tobacco Manufactory, and entered in the Stock Book of the Manufacturer, or it shall be bonded in a Tobacco Warehouse in the same manner and under the same conditions as are herein provided with respect to Raw Tobacco imported from abroad, except such as may be sold to a dealer in Tobacco licensed as herein provided, and having a permit to receive such Tobacco, and having paid the duty thereon. Tobacco grown in Canada to be bonded &c., if removed from the place of growth. Exception.

4. All raw or leaf Tobacco, whether imported or grown in Canada, may be taken for consumption out of bond or from the farm or premises upon which it was grown, by a dealer in Tobacco duly licensed for that purpose, under regulations to be made by the Governor in Council, and upon payment of the same duty which would be payable thereon if it had been manufactured and taken out of bond for consumption in Canada. May be taken by a licensed dealer under regulations.

Conditions of the Bond.

5. The bond taken for Tobacco warehoused as herein required shall be for a sum equal to fifteen cents per pound on the Tobacco to which it relates and shall be conditioned for the delivery of the Raw or Leaf Tobacco to which it relates, to some one or more Tobacco Manufacturers duly licensed as such under any Act relating to the Inland Revenue, or for the delivery of such Tobacco to a dealer in Tobacco licensed under this Act, on a proper permit, and the payment of the duty thereon by such dealer, or for its exportation or destruction as herein required; and the evidence of its delivery to a licensed Tobacco Manufacturer shall be the certificate of a Collector of Inland Revenue, that the Tobacco has been delivered into some certain licensed Tobacco Manufactory or Manufactories therein named, and that an account thereof has been entered in the Manufacturer's Books, as required by law.

Evidence of compliance with bond.

How long to remain bonded.

6. Tobacco warehoused as herein provided, may remain in warehouse for a period of two years, at the expiration of which period, or sooner, it shall either be removed to and entered in some Licensed Tobacco Manufactory or Manufactories as herein provided, or taken out by a Licensed Dealer, or entered for exportation, or at the expiration of such period it shall be destroyed under such regulations as may be made in that behalf by competent authority.

As to tobacco stems and sweepings.

7. All stems, sweepings or other waste or refuse tobacco, whether the same be found in a Tobacco Manufactory or elsewhere, and which are not worked up and charged at some manufactory with duty, shall also be destroyed under regulations as above provided, or entered for exportation.

Forfeiture of tobacco imported in contravention of this Act.

8. All raw or leaf tobacco imported or brought into Canada at any port or place other than at the ports of entry herein named, shall be seized by any officer of Customs or Excise having a knowledge thereof, and shall be and remain forfeited to the Crown.

And of Tobacco grown in Canada in certain cases.

9. All imported raw or leaf Tobacco not bonded as herein required, and in the possession of any person except a Licensed Tobacco manufacturer,—

And all raw or leaf Tobacco grown in Canada not bonded as herein required and removed from the farm or premises whereon it was grown, and in the possession of any person other than a Licensed Tobacco manufacturer, or of a licensed dealer who has obtained a permit to take such Tobacco out of bond or from the farm or premises whereon it was grown, except only for the purpose of carrying it direcly to some licensed Tobacco Manufactory or to a Tobacco warehouse, the proof whereof shall lie upon the person having possession thereof,—

Shall

Shall be seized by any officer of Customs or Excise having a knowledge thereof and shall be and remain forfeited to the Crown,— **Forfeiture and seizure.**

Except only that any person may have in his possession for his own use or consumption, not exceeding ten pounds of raw or leaf Tobacco, purchased from a licensed dealer, and on which the duty hereby imposed has been paid, the proof whereof shall lie on such person. **Exception.**

10. The Governor in Council may make such regulations for warehousing raw or leaf tobacco, for destroying such as is not entered for exportation or manufacture, for bonding and taking an account of all raw or leaf tobacco heretofore imported or grown in Canada, for removing raw or leaf tobacco from one Warehouse to another, for causing accounts to be kept by Tobacco Manufacturers or others of raw or leaf tobacco received by them, for determining the quantity of Manufactured Tobacco, Snuff or Cigars, which shall in any case or set of cases, be deemed equivalent to one hundred pounds of the raw leaf, for the granting of licenses to persons to deal in raw or leaf Tobacco, and permits to such persons to take such Tobacco out of bond or from the grower, but without fee for either, and generally for giving effect to the provisions of this Act, as to him may seem necessary. **Governor in Council to make regulations for giving effect to this Act.**

11. Section one hundred and ten of the Act chapter eight, passed in the present session, and intituled: *An Act respecting the Inland Revenue*, is hereby amended by substituting the word "any" for the word "the" in the first line of the said section, as printed by the Queen's Printer, and striking out the words "wherein they have been manufactured" in the first and second lines. **Sect. 110 of 30 V. c. 8, amended.**

12. Section one hundred and fifty-seven of the said Act chapter eight, passed in the present session, is hereby amended by adding the following subsection which shall be held to form and shall be read and construed as forming part of the said section: **Sect. 157 of 30 V. c. 8, amended.**

"**3.** Any article or commodity seized as forfeited under this Act or any Act relating to the Inland Revenue, may, at the option of the seizing officer, be kept or stored in the building or place where it was seized, until it is condemned or ordered to be restored to any claimant; and so long as such article or commodity is under seizure, the place or building in which it is so kept or stored shall be held to be in the sole custody of the officer of Excise or other person appointed for that purpose by the seizing officer or by any superior officer of Excise, or such article or commodity, may by direction of such seizing officer or superior officer, be removed to and kept in any other place." **How articles seized shall be stored or kept.**

Sect. 171 repealed.

13. Section one hundred and seventy-one of the Act last above cited is hereby repealed.

This Act to form one with 30 V. c. 8.

14. This Act shall be read and construed as forming one Act with the Act last above cited and as forming part of it, so that all Regulations made under this Act and all penalties imposed thereby, and all forfeitures incurred under this Act or under such Regulations, and all things done under this Act shall be held to be made, imposed, incurred and done under the said Act as hereby amended; and all words and expressions in this Act shall have same meaning as is assigned to them respectively in the said Act, and the expression "this Act," either in the said Act or in this Act shall include the said Act and this Act, unless there is something in the context inconsistent with this provision.

Inconsistent enactments repealed.

15. All Acts or parts of Acts which may be inconsistent with this Act, are hereby repealed.

Short Title.

16. This Act may be cited as "The Act respecting Raw Tobacco."

CAP. LII.

An Act respecting certain Penalties in respect of Stamp Duties.

[*Assented to 22nd May,* 1868.]

Preamble.

WHEREAS Stamp Duties on Promissory Notes and Bills of Exchange were, so far as the Provinces of Nova Scotia and New Brunswick are concerned, first imposed by an Act of this Parliament, in the first part of the present Session; And whereas, in consequence of the provisions of the said Act being unknown in the said Provinces, many of the inhabitants thereof in ignorance of the necessity of affixing stamps to such intruments, have neglected to comply with the provisions of the said Act, and have thereby incurred penalties: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Exemption from penalty in certain cases.

1. No person in either of the said Provinces of Nova Scotia or New Brunswick, being a party to any such Note or Bill made or drawn before the passing of this Act, shall be liable to any penalty in respect of any omission or neglect to affix thereto the proper stamp or stamps; Provided that this Act shall not affect any pending suit, nor any penalty actually paid.

CAP.

CAP. LIII.

An Act for the Organization of the Department of Agriculture.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. There shall be a Department, called "The Department of Agriculture," over which the Minister of Agriculture, for the time being, appointed by Commission under the Great Seal, shall preside; and the said Minister shall have the management and direction of the Department and shall hold office during pleasure. Department of Agriculture; Minister of Agriculture.

2. The Governor may appoint a Deputy of the Minister of Agriculture, and such other officers and clerks as may be required for the proper conduct of the business of the Department, all of whom shall hold office during pleasure. Deputy Minister and staff.

3. It shall be the duty of the said Deputy, and he shall have authority (subject always to the Minister) to oversee and direct the other officers and servants of the Department; he shall have the general control of the business of the Department, and such other powers and duties as may be assigned to him by the Governor in Council, and in the absence of the Minister and during such absence, may suspend from his duties any officer or servant of the Department who refuses or neglects to obey his directions as such Deputy. Powers and duties of Deputy. May suspend officers.

4. The duties and powers of the Minister of Agriculture, shall extend to the execution of laws enacted by the Parliament of Canada, and of orders of the Governor in Council, relating to the subjects enumerated in the following section, as well as to the direction of all public bodies, officers and servants employed in the execution of such laws and orders. Duties and powers of Minister.

5. The following subjects shall be under the control and direction of the Department of Agriculture, viz: Subjects under control of Department.

1. Agriculture;

2. Immigration and Emigration;

3. Public Health and Quarantine;

4. The Marine and Emigrant Hospital at Quebec;

5. Arts and manufactures;

6. The Census, Statistics and the Registration of Statistics;

7. Patents of Invention;

8. Copyright;

9. Industrial Designs and Trade Marks.

Governor in Council may vary duties and powers.

6. The Governor in Council may at any time assign any other duty or power to the Minister of Agriculture, and may also assign any of the duties or powers hereinbefore enumerated to any other Member of the Privy Council of Canada.

Annual Report to be laid before Parliament.

7. The Minister of Agriculture shall make and submit to the Governor an annual report of the proceedings of his Department, to be laid before both Houses of Parliament within twenty-one days from the commencement of each session.

Act of Canada 25 V. c. 7, &c., repealed.

8. The Act of the Legislature of the late Province of Canada, passed in the twenty-fifth year of Her Majesty's Reign, chapter seven, is hereby repealed,—and all laws or parts of laws inconsistent with this Act, in so far as they are inconsistent herewith, are also repealed.

CAP. LIV.

An Act respecting Copyrights.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Register of Copyrights.

1. The Minister of Agriculture shall cause to be kept in his Office, a book to be called the "Register of Copyrights" in which proprietors of literary, scientific, and artistical works or compositions, may have the same registered in accordance with the provisions of this Act.

Minister of Agriculture to make rules, &c.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as may appear to him necessary and expedient for the purposes of this Act;

Their effect.

such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed according the same and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act.

Who may have copyright in Canada.

3. Any person resident in Canada or any person being a British subject, and resident in Great Britain or Ireland, who is

is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such persons, shall have the sole right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistical works or compositions, in whole or in part, and of allowing translations to be made of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the title thereof in the manner hereinafter directed; but no immoral or licentious, treasonable or seditious book or any other such literary, scientific or artistical work or composition shall be the subject of such registration or Copyright.

Proviso.

Renewal and continuation of copyright.

4. If at the expiration of the aforesaid term, such author, or any of the authors, where the work has been originally composed and made by more than one person, be still living, and residing in Canada or in Great Britain or Ireland, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children, (as the case may be) for the further time of fourteen years; but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original Copyrights shall be complied with in respect to such renewed Copyrights.

Condition.

Record of renewal to be published.

5. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette.*

Deposit of copies in the office of the Minister of Agriculture.

6. No person shall be entitled to the benefit of this Act, unless he has deposited in the Office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculptures, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the same to be recorded forthwith in a book to be kept for that purpose, in the manner prescribed by the rules and forms which may be made, from time to time, as herebefore provided, for which record the person claiming such right as aforesaid, shall pay into the hands of the Minister of Agriculture one dollar, and the like sum for every copy actually given to such person or his legal representatives, and the sums so paid shall be paid over to the Receiver General to form part of the Consolidated Revenue of Canada.

7.

One to be sent to Library of Parliament.

7. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in the Library of the Parliament of Canada.

Notice of copyright to appear in work.

8. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, that is to say: "Entered according to Act of the Parliament of Canada, in the year " by A. B., in the Office of the Minister of Agri- " culture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

Exception.

Publication in Canada required.

9. To entitle any such literary production or engraving as is in this Act mentioned, being the work of any such person residing in Great Britain or Ireland, to the protection of this Act, the same shall be printed and published in Canada, and shall, in addition to the words directed to be inserted by the last section of this Act, and immediately following thereafter, contain the name and place of abode or business in Canada of the printer and publisher thereof.

Penalty for infringement of copyright of books.

10. If any other person, after the recording of the title of any book according to this Act, within the term or terms herein limited, prints, publishes or imports, or causes to be printed, published or imported, any copy or any translation of such book without the consent of the person legally entitled to the Copyright thereof, first had and obtained by deed duly executed, or, knowing the same to be so printed or imported, publishes, sells, or exposes to sale or causes to be published, sold or exposed to sale any copy of such book without such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the Copyright thereof; and shall forfeit and pay two dollars, for every such copy which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this Act; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such Copyright, to be recovered in any Court of competent jurisdiction.

Penalty for infringement of copyright of painting, &c.

11. If any person, after the recording of any painting, drawing, statuary or sculpture work, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in part or in the whole, copies of the

the said works of arts, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the Copyright thereof and shall further forfeit two dollars for every sheet of the same reproduction so published or exposed to sale contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Penalty for infringement of copyright of print, &c.

12. If any person, after the recording of the title of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the Law, or prints or imports for sale, or causes to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the Copyright thereof, first obtained, as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells or exposes to sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print, has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the Copyright thereof, and shall further forfeit two dollars for every sheet of such map, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Temporary registration to secure copyright.

13. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical may be the subject of registration within the meaning of the present Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, the registration fee be duly paid and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1868"; but the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act.

14.

No copyright of any scene or object.

14. Nothing herein contained, however, shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be Copyright in some other representation of such scene or object.

Copyright of work made to order, &c.

15. Whenever the author of a literary, scientific or artistical work or composition which may be the subject of Copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such Copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

Damages for infringement of copyright.

16. If any person prints or publishes any manuscript whatever in Canada, or the same having been printed or published elsewhere, offers it or causes it to be offered for sale in Canada, without the consent of the author or legal proprietor first obtained, such author or proprietor being resident in Canada, or being a British subject resident in Great Britain or Ireland, such person shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any Court of competent jurisdiction.

Penalty for falsely pretending to have copyright.

17. If any person prints, publishes or reproduces any book, map, chart, musical composition, print, cut or engraving, or other work of art or photograph and not having legally acquired the Copyright thereof, inserts therein, or impresses thereon, that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding sixty dollars (one moiety thereof to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

Limitation of actions.

18. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose.

Repeal of former Acts.

19. Chapter eighty-one of the Consolidated Statutes of the late Province of Canada, and chapter one hundred and sixteen of the Revised Statutes of Nova Scotia, (third series), and all other Acts or parts of Acts, inconsistent with the provisions of the present Act, are hereby repealed, subject to the provisions of the next section.

Unexpired copyrights continued.

20. All Copyrights heretofore acquired under the Acts or parts of Acts hereby repealed, shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the

the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

21. In citing this Act it shall be sufficient to call it "The Copyright Act of 1868." **Short title.**

CAP. LV.

An Act respecting Trade Marks and Industrial Designs.

[Assented to 22nd May, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. The Minister of Agriculture shall cause to be kept in his office books to be denominated respectively the "Trade Mark Register," and "The Register of Industrial Designs," in which any proprietor of a Trade Mark or of a Design may have the same registered by depositing with the said Minister a drawing and description in duplicate of such Trade Mark or Design, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; and the said Minister of Agriculture, on receipt of the fee hereinafter provided, shall cause the said Trade Mark or Design to be examined; to ascertain whether it resembles any other Trade Mark or Design already registered; and if he find that such Trade Mark or Design is not identical with or does not so closely resemble as to be confounded with any other Trade Mark or Design already registered, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy to the effect, that the said Trade Mark or Design has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the day, month and year of the entry thereof, in the proper Register; and every such certificate shall be received in all Courts of Law or of Equity in Canada, as evidence of the facts therein alleged, without proof of the signature. **Minister of Agriculture to register trade marks and industrial designs and grant certificates on certain conditions.**

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations and adopt forms for the purposes of this Act, and such rules, regulations and forms circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed according the same and accepted by the Minister of Agriculture shall be held valid **Minister may make rules and adopt forms.**

valid so far as relates to the official proceedings under this Act.

TRADE MARKS.

What shall be deemed trade marks.

3. For the purposes of this Act, all marks, names, brands, labels, packages or other business devices, which may be adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed or offered for sale, no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known as Trade Marks, and may be registered for the exclusive use of the party registering the same in the manner hereinafter provided; and thereafter he shall have the exclusive right to use the same, to designate articles manufactured or sold by him, and for the purposes of this Act, timber and lumber of any kind upon which labor has been expended by any person in his trade, business, occupation or calling shall be deemed a manufacture, product or article.

Exclusive right to use registered mark.

Trade marks may be cancelled.

4. Any person having registered a Trade Mark may petition for the cancellation of the same, and the Minister of Agriculture may cause, on receiving such petition, the said Trade Mark to be so cancelled; and the same shall after such cancellation be considered as if it had never been registered under the name of the said party.

Registered trade marks assignable.

5. Every Trade Mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced and the fee hereinafter provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit, to be entered on the margin of the Register of Trade Marks on the folio where such Trade Mark is registered.

Conflicting claims to a trade mark how to be dealt with.

6. If any person shall make application to register, as his own, any trade mark, which has been already registered, the Minister of Agriculture shall cause all parties interested therein to be notified to appear, in person or by Attorney, before him, with their witnesses, for the purpose of establishing which is the rightful owner of such trade mark, and after having heard the parties and their witnesses, the said Minister shall order such entry or cancellation, or both, to be made as he shall deem just; in the absence of the said Minister, his Deputy may hear and determine the case and make such entry or cancelation or both, as to right and justice may appertain, and, similarly, any error in Registering Trade Marks or any oversight about conflicting registrations of Trade Marks may be settled in the same manner.

7.

7. If any person, other than the party who has registered the same, shall mark any goods or any article of any description whatever with any trade mark registered under the provisions of this Act, or with any part of such trade mark, whether by applying such trade mark or any part thereof to the article itself or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such trade mark, or shall knowingly sell or offer for sale any article marked with such trade mark, or with any part thereof, with intent to deceive and to induce persons to believe that such article was manufactured, produced, compounded, packed or sold by the proprietor of such trade mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum of not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such trade mark, together with the costs incurred in enforcing and recovering the same; Provided, always, that every complaint under this section shall be made by the proprietor of such trade mark, or by some one acting on his behalf and duly authorized thereto.

Penalty for using another person's trade mark.

Proviso.

8. If any person shall knowingly and wilfully register as his own any trade mark, the property of a person not resident in Canada, he shall be guilty of a misdemeanor, and shall be subject and liable to the penalty mentioned in the preceding section; And the entry of every such trade mark in the Trade Marks Register, shall be cancelled on receipt of a certificate signed by the Clerk of the Court, or the Justices of the Peace before whom the conviction was had, of any such conviction; and one-half of every such penalty shall be paid to the party prosecuting, and the other half to the Crown.

Penalty for registering another's trade mark as your own.

9. If any person shall counterfeit or use the trade mark of any person, not resident in Canada, with intent to deceive the public and lead to the belief that the articles or package so marked were manufactured or put up by the owner of such trade mark, although the same is not registered in Canada, he shall, on conviction thereof, forfeit a sum of not less than ten dollars nor more than fifty dollars for each offence, with costs, one-half of which penalty shall be paid to the complainant and the other half to the Crown.

Penalty for using trade marks of persons not resident in Canada.

10. Complaints under either of the two next preceding sections may be brought by any party or person whatever, and the penalties mentioned in the three next preceding sections shall be enforced and recovered in the same manner, and subject to the same provisions as are provided in the sections of this Act respecting the registration and protection of designs.

Recovery of penalties.

11. The use of any trade mark either identical with that of any manufacturer, producer, packer, or vender, or so closely resembling it as to be calculated to be taken for it by ordinary purchasers, shall be held to be a use of such trade mark.

Close imitation of trade mark forbidden.

12.

Action of damages for using trade mark.

12. Notwithstanding anything in the preceding sections contained, a suit may be maintained by any proprietor of a trade mark against any person using his registered trade mark, or any fraudulent imitation thereof, or selling articles bearing such trade mark, or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act.

Registration of Designs.

Copyright of registered design.

13. The Copyright acquired for an industrial design by the Registration of the same as aforesaid shall be valid for the term of five years.

Registration of design, how made.

14. Every design to be protected must be registered before publication; and, after Registration, the name of the proprietor, who must be a resident of Canada, shall appear upon the article to which his design applies; if the manufacture be a woven fabric, by printing upon one end; if another substance, at the edge or upon any convenient parts, the letters Rd., with the mention of the year of the Registration; the mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label containing the proper marks.

Proprietor of design.

15. The author of the design shall be considered the proprietor thereof, unless he has executed the design for another person, for a good or valuable consideration, in which case such other person shall be considered the proprietor, and shall alone be entitled to register it; but his right to the property shall only be co-extensive with the right which he may have acquired.

Designs assignable in law.

16. Every design shall be assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing, which assignment shall be recorded in the office of the Minister of Agriculture, on payment of the fees hereinafter provided; And every proprietor of a design may grant and convey an exclusive right, under any copyright, to make, use and vend, and to grant to others to make, use and vend such design within and throughout Canada, or any part thereof, for the unexpired term thereof or any part thereof; which exclusive grant and conveyance shall be called a license, and shall be recorded in the same manner and within the same delay as assignments.

No person to use a registered design without license.

17. During the existence of the right (whether it be of the entire or partial use of such design,) no person shall, without the license in writing of the registered proprietor, apply such design, or a fraudulent imitation thereof, to the ornamenting of any article of manufacture, &c., for the purposes of sale, or publish, sell, or expose for sale or use any article of manufacture, &c., to which such design, or fraudulent imitation thereof

thereof shall have been applied, under penalty of not less than twenty dollars, and not exceeding one hundred and twenty dollars, to the proprietor of the design, and costs—to be recovered by the registered proprietor, or his assignee, by suit in any Court, having jurisdiction in suits of a like amount. Penalty for contravention.

18. Every person placing the words "registered," or the letters "Rd.," upon any unregistered article, or upon any article the copyright of which has run out, or advertising the same for sale as a registered article, or unlawfully selling, publishing, or exposing for sale such article, knowing the same to have been fraudulently stamped or that the copyright thereof has expired, shall forfeit for every offence a sum not less than four dollars and not exceeding thirty dollars, to be recovered in the same manner as penalties under the next preceding section, and that by any person whatever, who shall receive one-half the amount of the said last mentioned penalty, on the recovery of the amount which the offender may have been condemned to pay. Penalty for marking an unregistered article as registered.

19. A suit may be maintained by the proprietor of any design for the damages he has sustained by the application or imitation of the design, for the purpose of sale, against any person so offending, he (the offender) knowing that the proprietor of the design had not given his consent to such application. Action of damages for using design without license.

20. If any person, not being the lawful proprietor of a design, be registered as proprietor thereof, the rightful owner may institute an action in the Superior Court in the Province of Quebec, in the Court of Queen's Bench in the Provinces of Ontario, and in the Supreme Court in the Provinces of Nova Scotia or New Brunswick as the case may be, and the Court having cognizance of such suit may, if it appear that the design has been registered in the name of a wrong person, either direct the registration to be cancelled, or that the name of the lawful proprietor shall be substituted for the name in the register, with costs in its discretion, and on application by the Plaintiff supported by affidavit, it shall be lawful for any such Court, pending such action or proceedings, at its discretion, to issue an order upon the defendant prohibiting the use of such design, pending such suit or proceedings, under pain of being held in contempt of such Court. How the true proprietor may proceed against person having fraudulently registered a design as his own.

21. The Minister of Agriculture, after due service of such order and payment of the fee hereinafter provided, shall cause such alteration to be made in the Register as shall in said order be directed. Alteration in register on order of court.

22. All proceedings, under the preceding sections of this Act, shall be brought within twelve months from the commission of the offence, and not after; nor shall any of the clauses of Limitation of actions.

of this Act apply to protect any design which does not belong to a person resident within Canada and is not applied to a subject matter manufactured in Canada.

Certificate on copy returned to the owner.

23. On the copy returned to the person registering, a certificate shall be given, signed by the Minister or by his Deputy, that the design has been registered, the date of registration, the name of the registered proprietor, his address, the number of such design, and the number or letter employed to denote or correspond with the registration, which said certificate, in the absence of proof to the contrary, shall be sufficient proof of the design, of the name of the proprietor, of the registration of the commencement and period of registry, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of this Act; and generally the writing so signed shall be received as evidence of the facts therein stated, without proof of the signature.

Its effect.

GENERAL PROVISIONS.

Inspection of registers.

24. Any person may be allowed to inspect the Register of Trade Marks and the Register of Industrial Designs; and the Minister may cause copies or representations of Trade Marks or Industrial Designs to be delivered, on the applicant for the same paying the fee which shall be deemed sufficient for the purpose of having the same copied or represented.

Minister may refuse to register certain designs.

25. The Minister of Agriculture shall have power to refuse to register such designs as do not appear to him to be within the provisions of this Act, or when the design is contrary to public morality or order, subject, however, to appeal to the Governor in Council.

Publication of titles of design

26. The Minister of Agriculture shall, from time to time, cause to be published in the *Canada Gazette* the titles of the designs registered and the names and places of abode of the registered proprietors.

Clerical errors not to invalidate.

27. Clerical errors happening in the drawing up or copying of any instrument, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

Table of Fees.

28. The following fees shall be payable, to wit:—

On every application to register a design or trade mark, including certificate.......	$5.00
For each certificate of registration not already provided for.........................	1.00
For each copy of any drawing, the reasonable expenses of preparing the same.	
For recording any assignment............	2.00

For

For office copies of Documents or entries, not above mentioned, the following charges shall be exacted :

For every single or first folio...............	$0.50
For every subsequent hundred words, (fractions from and under fifty being not counted, and over fifty being counted for one hundred)........................	0.25

All of which fees shall be paid over by the Minister of Agriculture to the Receiver General of Canada. How applied.

29. The Act twenty-fourth Victoria, chapter twenty-first of the Statutes of the late Province of Canada, and the thirtieth Victoria, chapter thirty-first of the Province of New Brunswick, and all other Acts or parts of Acts inconsistent with the present Act are hereby repealed as to any further registration or the granting of any new exclusive right under the provisions thereof; but all rights heretofore acquired by virtue of such provisions shall remain good and valid and assignable in law, and all penalties and forfeitures incurred or to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed, and entries and registrations under the said Acts respectively may be cancelled, as if the said Acts and parts of Acts had not been repealed. Repeal of former Acts. Rights acquired under repealed Acts saved.

30. For all the purposes of the Act of Canada cited in the next preceding section of this Act, so far as the same remains in force after the passing of this Act, the Deputy of the Minister of Agriculture shall be and is hereby substituted for the Secretary of the Board of Registration and Statistics mentioned in the said Act, and shall have all the powers and duties of these officers. Deputy Minister substituted for Secretary of Registration and Statistics.

31. In citing this Act it shall be sufficient to call it "The Trade Mark and Design Act of 1868." Short title.

CAP. LVI.

An Act to impose a duty on Foreign Reprints of British Copyright Works.

[*Assented to 22nd May,* 1868.]

WHEREAS by an Act of the Parliament of the United Kingdom, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled : *An Act to amend the Law relating to the protection in the Colonies of Works entitled to Copyright in the United Kingdom*, it is provided, that in case the Legislature of any British Possession shall Preamble. Imp. Act, 10, 11 V. c. 95.

shall be disposed to make due provision for securing or protecting the rights of British Authors in such Possession, and shall pass an Act for that purpose, and transmit the same, in the proper manner, to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty should be of opinion that such Act is sufficient for the purpose of securing to British Authors reasonable protection within such Possession, it shall be lawful for Her Majesty to express Her Royal Approval of such Act, and thereupon, by Order in Council, to suspend, so long as the provisions of such Act shall continue in force in such Colony, the provision contained in the Imperial Acts in the said above recited Act mentioned, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing, foreign reprints of books first composed, written, printed or published in the United Kingdom, and entitled to Copyright therein, and it is expedient to pass such Act as aforesaid, to the end that foreign reprints of such works may, under the provisions of the said Imperial Act, be lawfully imported into Canada, on conditions common to the whole Dominion, and to remove doubts as to the intent of the Act passed in the present Session of the Parliament of Canada, intituled : *An Act imposing duties of Customs, with the Tariff of duties payable under it :* Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Act of Canada, 31, V. c. 7.

Governor in Council may impose a duty on such Reprints of British Copyright Works for the benefit of the authors.

1. It shall be lawful for the Governor in Council to impose upon books imported into Canada, and being copies printed or reprinted in any other country than the United Kingdom, of books first composed or written, or printed or published in the United Kingdom, of which the Copyright shall be still subsisting, and with regard to which the notice to the Commissioners of Customs required by any Act of the Parliament of the United Kingdom in that behalf, shall have been given, an *ad valorem* duty not exceeding twenty per cent., and, from time to time, to alter the said duty (not exceeding in any case the rate aforesaid), and, from time to time, to establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom then in force, as he may deem requisite and equitable, with regard to the admission of such books, and to the distribution of the proceeds of such duty to or among the party or parties beneficially interested in the Copyright, and such duty shall be collected in like manner as duties of Customs, and under the provisions of the Acts relating to such duties.

Interpretation.

2. The word " book " in this Act shall include every volume, part or division of a volume, pamphlet, sheet of letter press, sheet of music, map, chart or plan separately published.

When to come into force.

3. The foregoing provisions of this Act (except in so far as it may be otherwise directed in any such order as aforesaid, of Her Majesty in Council,) shall come into operation upon, from and

and after the day to be appointed for that purpose, in any Proclamation of the Governor, signifying Her Majesty's Royal Approval of this Act, and the issuing of such order of Her Majesty in Council, and not before.

4. And it is hereby declared, that it was not the intent of the Act of the Parliament of Canada cited in the Preamble to this Act, that any duty imposed on foreign reprints of such British Copyright Books as are mentioned in the foregoing sections of this Act, by any Act of the late Province of Canada, or by any order of the Governor of that Province in Council made, or to be made under such Act, or by any Act of the Legislature of the Province of Nova Scotia or of New Brunswick, for the purpose of being distributed to or among the party or parties beneficially interested in the Copyright, should be repealed, and any such duty shall continue to be collected for the purposes aforesaid, until a duty shall be imposed for like purposes under this Act, after which it shall cease. **Former duty to remain until a duty is imposed under this Act.**

CAP. LVII.

An Act for the organization of the Department of Marine and Fisheries of Canada.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. There shall be at the seat of Government of Canada, a Public Department to be called the Department of Marine and Fisheries, and the Governor in Council may appoint, by Commission under the Great Seal of Canada, a fit and proper person to manage and direct the said Department, who shall be styled the Minister of Marine and Fisheries, and who shall hold Office during pleasure. **Department constituted.** **Minister.**

2. The Governor may appoint an Officer to be called the Secretary of the Minister of Marine and Fisheries, and such other Officers as may be necessary for the proper conduct of the business of the said Department, as well at the seat of Government as in other portions of Canada, and may at his pleasure remove them or either of them, and appoint others in their stead. **Secretary of Minister.**

3. The Secretary of the Minister shall have authority (subject always to the Minister and his directions), to oversee and direct the other officers and servants of the Department; he shall have the general control of the business of the Department, and in the absence of the Minister, and during such absence may suspend from his duties any officer or servant of the **Powers and duties of Secretary.**

 the

the Department who refuses or neglects to obey his directions as such Secretary, but such power of suspension shall be exercised by the Minister alone when present.

In case of absence of Secretary.

4. During the illness or absence of the Secretary, the Minister may appoint another officer temporarily to discharge the duties of such Secretary, who shall for the time be vested with all the powers, and charged with the duties of the said Secretary.

What matters shall be under the control and management of the Department; and to what extent.

5 The duties, powers and functions of the said Department shall extend and apply to the subjects and Boards and other public bodies, officers and other persons, services and properties of the Crown, enumerated in the Schedule to this Act, of which the said Department shall have the control, regulation, management and supervision; so far as the same may be or might be or have been had or exercised by any Public Department under and in accordance with the provisions of Acts of the Parliament of the United Kingdom, or of any Provincial Parliament or Legislature now in force in Canada in relation to such subjects, boards and other public bodies, officers and other persons, services and properties of the Crown, or any of them, or without violating the provisions of any such Act or Acts, save and except such as may vest any such control, regulation, management or supervision in any other Public Department.

SCHEDULE.

The administration of any Laws made or to be made relating to the following subjects—

1. Sea, Coast and Inland Fisheries and the management, regulation and protection thereof, and anything relating thereto;

2. Trinity Houses and Trinity Boards, Pilots and Pilotage, and Decayed Pilots' Funds;

3. Beacons, Buoys, Lights and Light-Houses and their maintenance;

4. Harbours, Ports, Piers and Wharves, Steamers and Vessels belonging to the Government of Canada, except Gunboats or other Vessels of War;

5. Harbour Commissioners and Harbour Masters;

6. Classification of Vessels, and examination and granting of Certificates of Masters and Mates, and others in the Merchant service;

7.

7. Shipping Masters and Shipping Offices ;

8. Inspection of Steamboats and Boards of Steamboat inspection ;

9. Enquiries into causes of Shipwrecks ;

10. Establishment, regulation and maintenance of Marine and Seamen Hospitals and care of distressed seamen, and generally such matters as refer to the Marine and navigation of Canada.

CAP. LVIII.

An Act respecting the Navigation of Canadian Waters.

[*Assented to 22nd May*, 1868.]

WHEREAS the following rules of navigation and regulations for preventing collisions between vessels, being those in use in the United Kingdom and other countries, were adopted in the late Province of Canada in the year one thousand eight hundred and sixty-four, and have since continued and do still continue in force there under the Act of the Parliament of the said late Province hereinafter mentioned; and whereas it is expedient and highly desirable that the same rules and regulations should be extended to and prevail throughout all the waters of the Dominion of Canada, and that for that purpose the said Act should be repealed and re-enacted : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. This Act shall come into force on the first day of September next after its passing; and on and after the said day, the Act of the Legislature of the late Province of Canada, passed in the Session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter thirteen, intituled: *An Act to amend the law respecting the Navigation of Canadian Waters,* and the Act of the Legislature of the Province of New Brunswick, passed in the session held in the twenty-first year of Her Majesty's Reign, chapter thirteen, intituled: *An Act to compel vessels navigating the Bay of Fundy to carry Lights*, shall be repealed, except only as regards offences committed or liabilities incurred under either of the said Acts before the said day, with respect to which, and to all proceedings relating to which, the said Act shall remain in force; and every enactment or provision in any other Act or law in force in any part of Canada before the coming into force of this Act, inconsistent with this Act, or making any provision for any matter provided for by this Act other than such as is hereby made shall also be repealed on and after the said day. Commencement of Act. Act of Canada, 27, 28 V. c. 13; and Act of New Brunswick 21 V. c. 13, repealed. Exception. And all other laws inconsistent with this Act.

REGULATIONS FOR PREVENTING COLLISIONS.

Certain rules to apply after 1st Sept. 1868.

2. And with respect to lights, fog signals, steering and sailing, and rafts, the following rules shall, on and after the day last aforesaid, apply to all the rivers, lakes, and other navigable waters whatsoever within this Dominion, or within the jurisdiction of the Parliament thereof; that is to say:

Preliminary.

Construction of rules.

Art. 1. In the following rules every steamship which is under sail and not under steam is to be considered a sailing ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

What lights shall be carried.

Art. 2. The lights mentioned in the following articles, numbered three, four, five, six, seven, eight, and nine, and no others, shall be carried in all weathers, from sunset to sunrise.

By steamships under weigh;

Art. 3. Steamships when under weigh shall carry:

At foremast head.

(*a*) *At the foremast head*, a bright white light, so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass; so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles:

On the starboard side.

(*b*) *On the starboard side*, a green light so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles:

On port side.

(*c*) *On the port side*, a red light so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles:

How fitted.

(*d*) The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

By steamships towing.

Art. 4. Steamships when towing other ships or rafts, shall carry two bright white mast-head lights vertically, in addition to

to their side lights, so as to distinguish them from other steamships; each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steamships are required to carry.

Art. 5. Sailing ships under weigh or being towed, shall carry the same lights as steamships under weigh, with the exception of the white mast-head lights, which they shall never carry. By sailing ships in motion.

Art. 6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides, in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. By small vessels in bad weather.

(*a*) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens. Lanterns to be painted outside.

Art. 7. Ships, whether steamships or sailing ships, when at anchor in roadsteads or fairways, shall exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform and unbroken light visible all round the horizon, and at a distance of at least one mile. By ships at anchor.

Art. 8. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast-head, visible all round the horizon,—and shall also exhibit a flare-up light every fifteen minutes. By Pilot vessels.

Art. 9. Open fishing boats and other open boats shall not be required to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side. By open fishing and other open boats.

(*a*) Fishing vessels and open boats when at anchor, or attached to their nets and stationary, shall exhibit a bright white light. When at anchor.

(*b*) Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient. Flare-up lights.

Rules

Rules concerning Fog Signals.

Fog signals.

Art. 10. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes, viz :—

(*a*) Steamships under weigh shall use a steam whistle placed before the funnel, not less then eight feet from the deck.

(*b*) Sailing ships under weigh shall use a fog horn.

(*c*) Steamships and sailing ships, when not under weigh shall use a bell.

Steering and Sailing Rules.

Sailing ships meeting.

Art. 11. If two sailing ships are meeting end on or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Sailing ships crossing.

Art. 12. When two sailing ships are crossing so as to involve risk of collision, then if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which to leeward.

Steamships meeting.

Art. 13. If two ships under steam are meeting end on or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Steamships crossing.

Art. 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Sailing and steamships.

Art. 15. If two ships, one of which is a sailing ship, and the other a steamship, are proceeding in such directions as to insolve risk of collision, the steamship shall keep out of the way of the sailing ship.

Steamship nearing another vessel.

Art. 16. Every steamship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steamship shall, when in a fog, go at a moderate speed.

Art.

Art. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last mentioned vessel. Vessel overtaking another.

Art. 18. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article. Ship keeping out of the way.

Art. 19. In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger. Regard to dangers of navigation.

Art. 20. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. Rules not to excuse neglect.

RAFTS AND HARBOUR OF SOREL.

Art. 21. Rafts while drifting or at anchor on any navigable water shall have a bright fire kept burning thereon from sunset to sunrise. Whenever any raft is going in the same direction as another which is ahead, the one shall not be so navigated as to come within twenty yards of the other; and every vessel meeting or overtaking a raft shall keep out of the way thereof. Rules for rafts.

(*a*) Rafts shall be so navigated and anchored as not to cause any unnecessary impediment or obstruction to vessels navigating the same waters.

Art. 22. Unless it is otherwise ordered by the Trinity House of Montreal, ships and vessels entering or leaving the Harbour of Sorel shall take the port side, anything in the preceding articles to the contrary notwithstanding. Harbor of Sorel.

Art. 23. The rules of navigation contained in articles twenty-one and twenty-two shall be subject to the provisions contained in articles nineteen and twenty. Articles 21, 22 to apply.

INTERPRETATION, PENALTIES, &C.

3. In this Act the word "vessel" includes every description of vessel used in navigation,—the word "ship" includes every description of vessel not propelled by oars,—the expression "steamship" includes every vessel propelled wholly or in part by steam or by any machinery or motive power other than sails or oars,—and the expression "ordinary practice of seamen," as applied to any case, includes the ordinary practice of skilful and careful persons engaged in navigating the waters Interpretation.

waters of this Dominion in like cases,—and the word "owner" includes the lessee or charterer of any vessel having the control of the navigation thereof.

Local rules and by-laws.

4. No Trinity House rule or by-law, or other local rule or by-law, inconsistent with this Act, shall be of any force or effect; but so far as it is not inconsistent with this Act, any such rule or by-law made by any Trinity House or other competent local authority, shall be of full force and effect within the locality to which it applies.

Rules prescribed by this Act to be obeyed.

5. All owners, masters, and persons in charge of any ship, vessel, or raft, shall obey the rules prescribed by this Act, and shall not carry and exhibit any other lights nor use any other fog signals than such as are required by the said rules; and in case of wilful default, such master or person in charge, or such owner, if it appears that he was in fault, shall, for each occasion in which any of the said rules is infringed, incur a penalty not exceeding two hundred dollars nor less than twenty dollars.

Collision from non-observance of rules.

6. If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel by which such rules have been infringed shall be deemed to be in fault; and the owner of such vessel shall not be entitled to recover any recompense whatever for any damage sustained by such vessel in such collision, unless it can be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary.

As to damage by non-observance of rules.

7. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the rules prescribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or of the deck of such vessel at the time, unless the contrary be proved, or it be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner if it appears that he was in fault, in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

Recovery of penalties.

8. Except as hereinbefore provided, all penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector of Steamboats, or by any party aggrieved by any act, neglect or wilful omission by which the penalty is incurred, before any two Justices of the Peace on the evidence of one credible witness; and in default of payment of such penalty, such Justices may commit the offender to gaol for any period not exceeding three months; and except as hereinafter provided, all penalties recovered under this Act, shall be paid

Exception.

over

over to the Receiver General, and shall be by him placed at the credit of, and shall form part of "The Steamboat Inspection Fund;" except always, that all penalties incurred for any offence against this Act, shall, if such offence be committed within the jurisdiction of the Trinity House of Quebec, or of the Trinity House of Montreal, be sued for, recovered, enforced and applied in like manner as penalties imposed for contravention of the by-laws of the Trinity House within whose jurisdiction the offence is committed.

9. Every Inspector of Steamboats shall, whenever he visits and inspects any steamboat, examine whether such steamboat is properly provided with lights, and with the means of making fog signals in pursuance of the rules prescribed by this Act, and shall for that purpose, have all the powers vested in him by the Act of this Session *respecting the inspection of steamboats, and for the greater safety of passengers by them*, for obtaining information as to the observance of the requirements of the said Act, and shall refuse to grant any certificate with respect to any steamboat which he finds to be not so provided, and shall report such steamboat as unsafe to the Governor in Council, who shall on such report have all the powers mentioned in section twenty-nine of the said Act; and any Order in Council made on such report shall have the effect and be enforced in the manner provided by the said section.

Inspector of steamboats to see that steam ships have proper lights, &c.

10. Whenever foreign ships are within Canadian waters the rules for preventing collision prescribed by this Act, and all provisions of this Act relating to the said rules, or otherwise relating to collisions, shall apply to such foreign ships; and in any cases arising in any court of justice in Canada concerning matters happening within Canadian waters, foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships.

Foreign ships in Canadian waters.

DUTY OF MASTERS, LIABILITY OF OWNERS AS TO COLLISIONS.

11. In every case of collision between two ships, it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew and passengers (if any) such assistance as may be practicable and as may be necessary in order to save them from any danger caused by such collision; in case he fails so to do, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default.

Obligation of masters of vessels to assist in case of collision.

Penalty in default.

12. The owners of any ship, whether Canadian, British or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity, that is to say:

Liability of owners limited in case of collision without their fault.

(1.) Where any loss of life or personal injury is caused to any person being carried in such ship;

(2.)

(2.) Where any damage or loss is caused to any goods, merchandize, or other things whatsoever on board any such ship;

(3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person in any other ship or boat;

(4.). Where any loss or damage is by reason of the improper navigation of such ship as aforesaid caused to any other ship or boat, or to any goods, merchandize or other things whatsoever on board any other ship or boat;

Extreme amount recoverable.

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandize or other things, nor in respect of loss or damage to ships, goods, merchandize or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage, such tonnage to be the registered tonnage in the case of sailing ships; and in the case of steamships the gross tonnage without deduction on account of engine room:

Tonnage, how calculated in such case.

(*a*) In the case of any British or Canadian ship, such tonnage shall be the registered or gross tonnage, according to the British or Canadian law, and in the case of a foreign ship which has been or can be measured according to British or Canadian law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship;

The same. Foreign ships.

(*b*) In the case of any foreign ship which has not been and cannot be measured according to British or Canadian law, the Secretary of the Minister of Marine and Fisheries shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship.

As to insurances in such cases.

13. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk.

Collisions through fault of Pilots.

14. No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault

fault or incapacity of any qualified pilot acting in charge of such ship, within any place where the employment of such pilot is compulsory by law.

SCHEDULE TO REPEALED ACT.

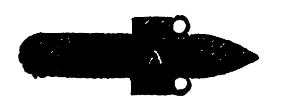
15. The schedule annexed to the Act of the Legislature of the late Province of Canada hereby repealed illustrates the use of the lights to be carried by vessels under the provisions of this Act, and shall be printed at the end of this Act by the Queen's Printer in the official copy of the statutes of the present Session. Schedule to repealed Canadian Act to be printed with this.

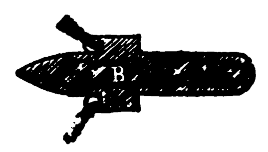
SCHEDULE.

The following Diagrams are intended to illustrate the use of the Lights carried by vessels under the foregoing Act, and the manner in which they indicate to the vessel which sees them the position and description of the vessel which carries them:

First.—When both Red and Green Lights are seen:

A sees a Red and Green Light ahead;—A knows that a vessel is approaching her on a course directly opposite to her own, as B;



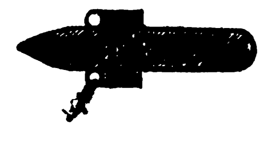


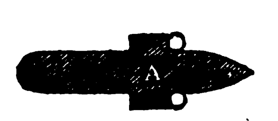
If A sees a White Mast-head Light above the other two, she knows that B is a steam-vessel.

Second.—When the Red, and not the Green Light, is seen:

A sees a Red Light ahead or on the bow; — A knows that either,

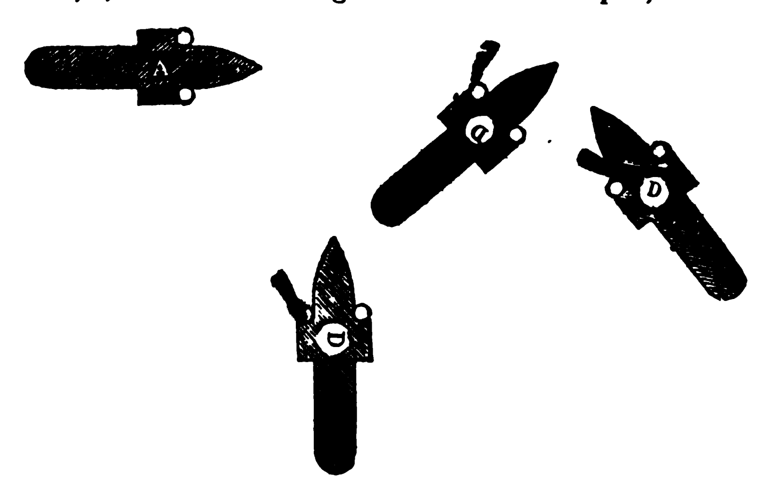
1, a vessel is approaching her on her port bow, as B;





or,

or, 2, a vessel is crossing in some direction to port, as D D D.

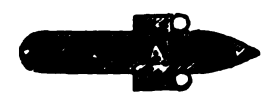


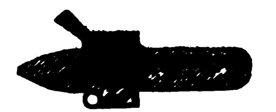
If A sees a White Mast-head Light above the Red Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction, as B, or is crossing to port in some direction, as D D D.

Third.—When the Green, and not the Red Light, is seen:

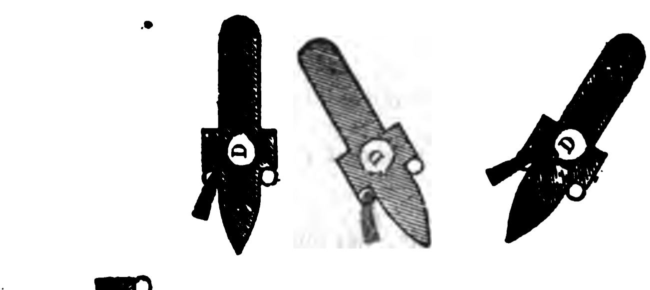
A sees a Green Light ahead or on the bow;—A knows that either,

1, a vessel is approaching her on her starboard bow, as B;





or, 2, a vessel is crossing in some direction to starboard, as D D D.





If A sees a White Mast-head Light above the Green Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction as B, or is crossing to starboard in some direction, as D D D.

CAP.

CAP. LIX.

An Act relating to Light-Houses, Buoys and Beacons.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

1. All Light-Houses and Lights, heretofore acquired, constructed, repaired, maintained or improved, and all Buoys and Beacons heretofore erected, placed or laid down, at the expense either of the late Province of Canada, or of the former Province of Upper Canada, or of the former Province of Lower Canada, or of the Province of Nova Scotia, or of the Province of New Brunswick, or acquired, constructed, repaired, maintained or improved, erected, placed or laid down, before or after the passing of this Act, at the expense of Canada, together with all buildings and other works belonging thereto and in connection therewith, shall vest in Her Majesty, and be under the direct control and management of the Minister of Marine and Fisheries.

Light-Houses &c., to vest in Her Majesty, and be under the control of the Minister of Marine and Fisheries.

2. The Minister shall direct the construction, maintenance and repair of all Lights, Buoys and Beacons, and the maintenance and repair of all Light-Houses, and of all buildings and other works belonging thereto and in connection therewith, in progress, or constructed or maintained at the expense of Canada, and which by this Act are or shall hereafter be placed under his management or control; but nothing in this Act shall give authority to the Minister to cause expenditure not previously sanctioned by Parliament, except for such repairs and alterations as the necessities of the public service may demand.

Certain works in relation thereto to be directed by the Minister.

Proviso.

3. No warrant shall be issued for any sum of the public money appropriated for any public work under the management of the Minister, except on the certificate of the Minister or his Deputy, that such sum ought to be paid to any person named in the certificate, in whose favor a warrant may then issue.

Warrants for money for such works.

4. The Minister shall, on authority of the Governor in Council, from time to time direct as many Buoys, Beacons and other marks, to be placed in and about the various lakes, rivers, bays and harbors in Canada, as to him may appear necessary for the safety of the shipping and convenient navigation of those lakes, rivers, bays and harbors respectively, and may make regulations for the maintenance of such Buoys, Beacons and marks, as well as of any Buoys, Beacons and marks heretofore placed, or erected or laid down at the expense of any of the Provinces aforesaid,

Minister to direct placing of buoys, beacons, &c., and make regulations.

aforesaid, or which, before or after the passing of this Act, may have been or may be placed or erected or laid down at the expense of Canada, and may authorize persons to carry the same into effect.

Taking away light, buoy or beacon, a misdemeanor.

5. Whoever shall wilfully take away, destroy, deface or remove any Buoy or Beacon erected, laid down, placed or replaced under this Act, shall be guilty of a misdemeanor, for which he may be tried either on an indictment, in the usual way, before any Court having cognizance of cases of misdemeanor in the County or District in which the offence is committed, or summarily before any Stipendiary Magistrate, or Police Magistrate, or Judge of the Sessions of the Peace, or two Justices, within the limits of whose jurisdiction the offence is committed.

Provision for the summary recovery of penalties.

6. All penalties incurred under this Act may be recovered, in the name of Her Majesty, by any officer of the Department of Marine and Fisheries, or person employed by the Minister in carrying this Act, or regulations made under it, into effect, or by any party aggrieved by any act, neglect or omission, made penal by this Act, on the evidence of one credible witness, who may be the prosecutor himself (unless he is the party aggrieved), before any Stipendiary Magistrate, or Police Magistrate, or Judge of the Sessions of the Peace, or two Justices of the Peace; and in default of payment of such penalty, such Stipendiary Magistrate, Judge or Justices may commit the offender to gaol for any period not exceeding three months; and all penalties recovered under this Act shall be paid over to the Receiver General.

Appointment of officers and making of regulations.

7. The Governor in Council may appoint superintendents, keepers, and other such officers as may be necessary for the purposes of this Act, and the Minister may ordain and enforce regulations for the proper lighting and keeping of Light-houses and Lights; and make contracts for supplies, or purchase supplies, for the use of the same, and generally may do all such things as may be necessary for carrying this Act fully into effect.

Tenders to be invited for works, &c.

8. It shall be the duty of the Minister to invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency, where delay would be injurious to the public interest, or where, from the nature of the work, it could be more expeditiously and economically executed by the officers and servants of the Department; and also for all contracts for supplies.

Saving clause with respect to Trinity Houses of Quebec and Montreal.

9. Nothing in this Act shall affect or in any wise impair the jurisdiction or powers of the Master, Deputy Master and Wardens of the Trinity House of Quebec, or of the Master, Deputy Master and Wardens of the Trinity House of Montreal, or

or shall authorize any interference with any Light-House, Light-Ship, floating or other light, lantern or other signal, buoy, beacon, anchor or land-mark under the control and management of either of the said corporations, or abrogate or annul any By-law, Rule or order heretofore lawfully made by either of the said corporations; but both of the said corporations shall report to the Minister from time to time, and as and when he may require, on the subject of such Light-Houses, Buoys, Beacons, and other things as aforesaid, and be subject to his instructions.

10. So much of the twenty-first chapter of the Revised Statutes of Nova Scotia (third series), "Of the Board of Works," as enacts that the legal title to and the superintendence and management of all the Light-Houses, Buoys and Beacons erected or to be erected within the said Province, and also Sable Island and the Seal and Mud Islands, and the several provincial establishments for humane objects, is, are and shall be vested in and exercised by the Board of Works mentioned in the said Act; and that lands required for the erection of Light-Houses, Beacons and other uses for the protection of navigation and for roads leading thereto, and for other necessary purposes connected therewith, may, by order of the said Board of Works, be laid off and appropriated to the public service for such uses; and that there shall continue to be a Superintendent of Light-Houses, and Humane Establishments, that his duty under the Board shall be to visit the Light-Houses and Humane Establishments, but who shall be subject to the general direction of the Board, and shall render them such assistance and perform such duties as the Board may from time to time require; and that he shall report to the Board the condition of the Humane Establishments and Light-Houses, and offer suggestions for correcting abuses and effecting improvements, is hereby repealed. Portions of cap. 21 of the Revised Statutes of Nova Scotia repealed.

11. The first, second and fourth sections of the twenty-third chapter of the Revised Statutes of Nova Scotia (third series), "Of Sable, Saint Paul and Scattarie Islands, and of Light-Houses," are hereby repealed. Sections, 1, 2, and 4 of c. 23.

12. The Superintendent, or the resident keeper, or any officer of the Department of Marine and Fisheries, or any other person acting under the authority of the Minister, may apprehend any person who may be found residing on Sable Island or St. Paul's Island, having voluntarily gone there for any purpose whatever, without a license from the Minister, describing such person, and authorizing him to reside thereon, and may bring him and all property found in his possession to Halifax; and any Stipendiary Magistrate, or Police Magistrate or two Justices of the Peace, upon proof that he was so found, may commit him to gaol for not more than six months, and further, until he give security for his future good behaviour; and whatever property may be found on the islands belonging to Persons found residing on Sable Island or St. Paul's Island may be punished. As to property

of such offenders found on the Island.

to any such offender shall, by order of such Magistrates or Justices, be sold, and the proceeds applied to that purpose, and the residue, if any, returned to the owner; but if it appear that such property has been cast on the shores of the islands, or proceeds from some wrecked or stranded vessel, it shall be sold, and the proceeds, after payment of the expenses, paid to the owner, or his agent, or otherwise be paid to the Receiver General for the right owner when discovered, who, upon proof to the satisfaction of a Judge of the Supreme Court of Nova Scotia of his right thereto, shall receive the same.

Rules for the government of these islands to be made by the Minister.

13. The Minister may, from time to time, make rules for the government of these islands, and for regulating the duties of the resident keepers thereon, for administering relief to shipwrecked persons and their removal, preserving and removing shipwrecked property, and preventing persons not authorized by him from taking up their residence thereon, and for the general management of the islands.

Vessels or goods stranded on these islands, how to be dealt with.

14. When vessels or goods shall be stranded on Sable Island, or St. Paul's Island, or on any of the bars or coasts thereof, and such vessels or goods, or any part thereof, shall be saved by the Superintendent, or by any other officer of the Department of Marine and Fisheries, or by any person under the authority of the Minister, such vessels or goods shall be taken in charge by the Superintendent or keeper and sent to Halifax, to be disposed of under the direction of the Minister, for the benefit of the owners, after payment of salvage to the establishment of Sable Island and St. Paul's Island, and all other expenses incurred with respect to such vessels or goods, unless the Minister shall give contrary orders to the Superintendent or keepers; and all goods so saved shall be held to be in the possession of the Minister, and shall not, on any pretence, be taken out of the custody of such Superintendent or keepers, or persons employed by either of them, except by order of the Minister, nor until payment of the salvage and expenses; and such goods shall be liable to duties.

Certain sections of cap. 20 of R. S. N. B., repealed.

15. The first, second, third, fourth, fifth, sixth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of chapter twenty of the Revised Statutes of New Brunswick, "*Of the Regulation of Light-Houses,*" are hereby repealed and the following Acts of the Legislature of the said Province are also hereby repealed, that is to say:

Act of N. B., 21 V. c. 12, repealed.

The Act passed in the twenty-first year of Her Majesty's Reign, chapter twelve, intituled: "*An Act to repeal an Act intituled, 'An Act to amend Title III, chapter twenty of the Revised Statutes 'Of the Regulation of Light-Houses,' and make other provisions.*"

The

The Act passed in the twenty-second year of Her Majesty's Reign, chapter seven, intituled: "*An Act to provide a contribution towards the expense of maintaining the Cape Race Light.*" Act of N. B. 22 V. c. 7, repealed.

The Act passed in the twenty-third year of Her Majesty's Reign, chapter six, intituled: "*An Act to repeal an Act intituled, 'An Act to make further provisions for the support of Buoys and Beacons in the Bay and Harbour of Miramichi.*'" Act of N. B., 23 V. c. 6, repealed.

The Act passed in the twenty-fifth year of Her Majesty's Reign, chapter forty-one, intituled: "*An Act to amend an Act intituled, 'An Act to amend chapter nineteen, Title III, of the Revised Statutes 'Of Buoys and Beacons,' so far as the same relates to the County of Charlotte.*" Act of N. B. 25 V. c., 41, repealed.

The Act passed in the twenty-sixth year of Her Majesty's Reign, chapter four, intituled: "*An Act relating to Buoys and Beacons.*" Act of N. B., 26 V. c. 4, repealed.

16. The repeal of the said portions and sections of the said chapters of the said Revised Statutes of Nova Scotia and of New Brunswick, shall not, nor shall the repeal of the said Acts or any of them, revive any Act or part of an Act, or any provision of law thereby repealed, nor affect any duty accrued, right acquired, or penalty, forfeiture or liability incurred under the said sections or Acts or any of them, or any offence committed against them or any of them, before the passing of this Act. Effect of repeal of Acts, &c., restricted.

CAP. LX.

An Act for the regulation of Fishing and protection of Fisheries.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

FISHERY OFFICERS.

1. The Governor may appoint Fishery Officers, whose powers and duties shall be defined by this Act and the Regulations made under it, and by instructions from the Department of Marine and Fisheries; and every Officer so appointed under oath of office and instructed to exercise magisterial powers, shall be *ex officio* a Justice of the Peace for all the purposes of this Act and the Regulations made under it, within the limits for which he is appointed to act as such Fishery Officer: Fishery Officers to be appointed. Powers and duties.

2. Each Fishery Officer shall take and subscribe the following oath:— Oath of Office.

"I, A. B., a Fishery Officer in and for the district described "in my appointment, do solemnly swear, that to the best of Form.

12 "my

"my judgment, I will faithfully, honestly and impartially "fulfil, execute and perform the office and duty of such Officer "according to the true intent and meaning of the Fisheries Act "and Regulations, and in accordance with my instructions. "So help me God."

FISHERY LEASES AND LICENSES.

Fishery leases and licences.

If for more than nine years.

2. The Minister of Marine and Fisheries may, where the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on; but leases or licenses for any term exceeding nine years shall be issued only under authority of an Order of the Governor in Council.

DEEP SEA FISHERIES.

As to right to use vacant public property for fishing purposes and as to taking bait, &c.

Proviso.

3. Every subject of Her Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation, for the purposes of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it shall have been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of flakes and stages and other property thereon of which he may take possession, or the buildings and improvements may be removed by the original owner; and all subjects of Her Majesty may take bait or fish in any of the harbours or roadsteads, creeks or rivers; subject always, and in every case, to the provisions of this Act as affects the leasing or licensing of fisheries and fishing stations; but no property leased or licensed shall be deemed vacant.

COD FISHERY.

Nets for taken Cod.

4. No one shall use mackerel, herring nor caplin seines for taking codfish, and no codfish seine shall be of a less sized mesh than four inches in extension in the arms, and three inches in the bunt or bottom of the seine.

WHALE FISHERY.

Whales &c., not to be killed by rockets or shells.

Penalty.

5. Whales, seals and porpoises shall not be hunted or killed by means of rockets, explosive instruments or shells, under a penalty not exceeding three hundred dollars, or at least three months' and not exceeding six months' imprisonment, in default of payment.

SEAL FISHERY.

Sedentary fisheries not be disturbed.

6. During the time of fishing for seals, no one shall, with boat or vessel, knowingly or wilfully, disturb, impede or injure any

any sedentary seal fishery, nor prevent, hinder or frighten the shoals of seals coming into such fishery, under a penalty not to exceed sixty dollars for each offence, or imprisonment in default of payment not exceeding one month; the defendant being also liable for damages, to be adjudged by any Fishery Officer or other magistrate before whom the injured party may complain: **Penalty.**

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets, shall be decided summarily by any Fishery Officer or other magistrate, on the report of arbitrators, and any damages assessed or accrued, or that may afterwards arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any Fishery Officer or other magistrate. **Disputes as to Seal fisheries how settled.**

SALMON FISHERY.

7. Salmon shall not be fished for, caught or killed, between the thirty-first day of July and the first day of May, in the Provinces of Ontario and Quebec, and in the River Restigouche, and between the fifteenth day of August and the first day of March, in the Province of New Brunswick; provided always, that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly-surface-fishing, between the thirtieth day of April and the thirty-first day of August, in the Provinces of Ontario and Quebec, and between the first day of March and the fifteenth day of September, in the Province of New Brunswick: **Close Season for Salmon.** **Proviso as to fly surface fishing.**

2. Salmon shall not be fished for, caught or killed in the Province of Nova Scotia, save as provided and authorized by the laws now in force in that Province; **In Nova Scotia.**

3. Foul or unclean salmon shall not be at any time caught or killed; **Foul Salmon.**

4. Salmon fry, parr and smolt, shall not be at any time fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed; but where caught by accident in nets lawfully used for other fish, they shall be liberated alive at the cost and risk of the owner of the fishery, on whom shall in every case devolve the proof of such actual liberation; **Fry, parr, or smolt not to be killed.**

5. Meshes of nets used for capturing salmon, shall be at least five inches in extension, and nothing shall be done to practically diminish or nullify their size; **Size of meshes of Salmon nets.**

6. The use of nets or other apparatus which capture salmon shall, except in the Provinces of Nova Scotia and New Brunswick, be confined to tidal waters, and any Fishery Officer may determine the length and place of each net or other apparatus **Use of nets regulated.**

 used

Proviso as to Ontario, &c.

used in any of the waters of the Dominion; provided, that nothing contained in this section shall prevent the use of nets for catching salmon in the lakes of the Province of Ontario, nor preclude the Minister from authorizing, by special fishery licenses or leases, the capture of salmon by nets in fresh water streams;

Boundaries of estuary fishing, to be defined.

7. The Minister, or any Fishery Officer authorized to such effect, shall have power to define the tidal boundary of estuary fishing for the purposes of this Act; and above the actual limit so to be laid down, it shall be unlawful, without the special fishery lease or license above provided for, to fish for salmon except with a rod and line, in the manner known as fly-surface-fishing, under a penalty not to exceed one hundred dollars, and imprisonment in default of payment for any term not exceeding two months;

Penalty for fishing above limits, except with a rod and line, &c.

Distance of nets apart, &c.

8. All nets, or other lawful appliances which capture salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream, and drifting for salmon shall be illegal;

Further distance may be prescribed.

Proviso.

9. Any Fishery Officer may prescribe either in writing or orally on sight, if deemed necessary, a further distance apart to be left between salmon nets, or other fishing apparatus, and their dimensions and extension; but gill or float-nets shall not be used to lengthen, extend or enlarge any other kind of fishery;

As to spawning rivers.

10. No salmon shall be captured within two hundred yards of the mouth of any tributary creek or stream which salmon frequent to spawn;

Mode of killing at certain places.

11. Except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught or killed at any artificial pass or salmon leap, nor in any pool where salmon spawn;

Salmon spawn.

12. Except under the authority and for the special purpose provided for in this Act, no one shall take, buy, sell, destroy, use or possess any salmon roe, nor injure any spawning bed.

LAKE AND RIVER TROUT FISHERY.

Not to be killed in certain ways and at certain seasons.

Proviso.

Speckled trout.

8. It shall not be lawful to fish for, catch or kill any kind of trout (or "lunge") in any way whatever between the first day of October and the first day of January; and no one shall at any time fish for, catch or kill trout by other means than angling by hand with hook and line, in any inland lake, river or stream, except in tidal waters; Provided always, that as affecting the waters of the Province of Ontario, such prohibitions shall apply only to the kind known as "speckled trout."

2.

2. Nothing in the above clause shall prevent the use of small sized trout for the *bonâ fide* purpose of baiting traps, nor affect the taking and using the same by fishermen as bait for codfishing in tidal waters, nor subject them to penalty if by accident in *bonâ fide* fishing for herrings or white-fish by means of nets, trout shall become enclosed or taken.

Exception as to fish used for bait, &c.,

WHITE-FISH AND SALMON TROUT FISHERY.

9. It shall not be lawful to fish for or catch white-fish in any manner between the nineteenth day of November and the first day of December, nor by means of any kind of seine, between the thirtieth day of May and first day of August, in the Province of Ontario, or between the thirty-first day of July and first day of December in the Province of Quebec, nor shall the fry of the same be at any time destroyed:

Close season for White Fish.

2. Gill nets for catching salmon trout or white-fish, shall have meshes of at least five inches extension measure; and gill nets shall not be set within two miles of any seining ground;

Gill nets.

3. Seines for catching white-fish shall have meshes of not less than four inches extension measure.

Seines.

BASS AND PICKEREL FISHERY.

10. Close-seasons for bass, pike, pickerel (*dorée*), maskinongé and other fish, may be fixed by the Governor in Council to suit different localities.

Close Season.

POSSESSION OF FISH.

11. No one shall, without lawful excuse, the proof of which shall devolve wholly on the party charged, buy, sell or possess any fish named in this Act, or parts thereof, caught or killed during seasons when and by means whereof catching or killing the same is prohibited by law:

Prohibition to buy, sell, or have in close season.

2. It shall be the duty of every customs officer, excise officer, police officer or constable, clerk of a market or other party in charge of any market-place in any village, town or city, to seize and forfeit on view to his own proper use, or gift, any fish enumerated in this Act, caught or killed during prohibited seasons, or which appears to have been killed by unlawful means; but every such seizure and appropriation, with the date, place, and circumstances thereof, shall be duly reported, together with the name, residence and calling of the person in whose possession such fish was found, to the Fishery Officer having jurisdiction over the district within which such seizure, forfeiture and appropriation have taken place.

Certain Officers to seize fish exposed for sale in close season.

And report the same.

CONSTRUCTION

CONSTRUCTION OF FISHWAYS.

To be made where and in such manner as Fishery Officer may determine.

12. Every dam, slide, or other obstruction across or in any stream where the Minister may determine it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, to be maintained in practical and effective condition, in whatever place and of whatever form and capacity will admit of the passage of fish through the same, (which place, form and capacity any Fishery Officer may by written notice determine) under a penalty of four dollars for each day during which any such obstruction remains unprovided with a fishway after three days' notice in writing to the owner or occupier thereof:

Penalty for contravention.

To be kept open, &c.

2. Fishways shall be kept open and unobstructed and be supplied with a sufficient quantity of water to fulfil the purposes of this enactment, during such times as may be required by any Fishery Officer;

Minister may pay one half the cost.

3. The Minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fishway;

May construct and recover the cost in certain cases.

4. Should it be expedient to procure the construction of any fishway pending proceedings against any owner or occupier for the penalty imposed by this Act, the Minister may give directions to make and complete the same forthwith, and to enter upon the premises with the necessary workmen, means and materials, and may recover from the owner or occupier the whole expense so incurred by action before any competent tribunal;

Not to be obstructed or injured.

5. No person shall injure or obstruct any fishway, nor do anything to deter or hinder fish from entering and ascending or descending the same, nor injure or obstruct any authorized barrier.

GENERAL PROHIBITIONS.

Penalty for fishing in limits leased to another.

13. Whosoever fishes for, takes, catches or kills fish in any water, or along any beach, or within any fishery limits described in any lease or license, or places, uses, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, or disturbs or injures any fishery, shall incur a penalty not exceeding one hundred dollars with costs, or imprisonment not exceeding two months, and the forfeiture of fishing apparatus so used, and all fish taken or caught; and any Fishery Officer or any such lessee or licensee may, upon his own view, forthwith seize and remove any net or apparatus so used in trespass, to be afterwards dealt with according to law; provided always, that the occupation of any fishing station or waters

Right of lessee, &c.

Proviso: as to taking bait or angling.

waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for codfishing, nor prevent angling for other purposes than those of trade and commerce:

2. Seines, nets or other fishing apparatus, shall not be set in such a manner, or in such places as to obstruct the navigation with boats and vessels, and no boats or vessels shall be permitted to destroy or wantonly injure in any way, any seines, nets or other fishing apparatus lawfully set; Navigation not to be obstructed.

3. Stakes or other timber placed for fishing purposes in any water shall be removed by the user within forty-eight hours after last using the same, or at the expiry of the fishing season; Stakes to be removed.

4. The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus; and one-third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open, and no kind of fishing apparatus or material shall be used or placed therein; provided that weirs used exclusively for catching eels, and the usage of mill-dams for catching eels, shall be subject to interference only in cases where, and at times when, they injure other fisheries, or by completely barring any passage, shall deprive other weirs of a share in the run of eels, and such place, time and circumstance may be determined by any Fishery Officer; Main channels not to be obstructed. Proviso: as to eel fishing.

5. No net or other device shall be so used as entirely to obstruct the passage of fish to and from any of the waters of the Dominion by any of the ordinary channels connecting such waters, or debar their passage to and from accustomed resorts for spawning and increasing their species; No net, &c., to obstruct entirely the passage of fish.

6. The catching, killing or molesting of fish when passing or attempting to pass through any fishway, or fishpass, or in surmounting any obstacle or leaps—the use of any invention to catch, kill or molest fish in the mill-dams, fishways, mill-heads and water-courses appurtenant thereto, are hereby forbidden; Killing fish at certain places forbidden.

7. Bag-nets and trap-nets and fish-pounds are prohibited, except under special licenses for capturing deep-sea fishes, other than salmon; Certain nets forbidden.

8 It shall not be lawful to fish for, catch or kill salmon, trout (or "lunge") of any kind, maskinongé, winnoniche, bass, barfish, pickerel, white-fish, herring, or shad, by means of spear, grapnel hooks, negog, or nishagans; provided, the Minister may appropriate and license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in and at whatever manner and time are specified in the license or lease, and may permit spearing in certain localities; Fish not to be killed in certain ways. Proviso: as to Indians.

9.

Young of fish not to be taken. 9. No person shall fish for, catch, kill, buy, sell or possess the young of any of the fish named in this Act, or in any Regulation or Regulations under it;

Seines for bar-fish. 10. Seines for bar-fish, shall have meshes of not less than three inches, extension measure;

Distance between fisheries. 11. Fishery Officers may determine or prescribe the distance between each and every fishery, and shall forthwith remove any fishery which the owner neglects or refuses to remove, and such owner shall be moreover liable for a breach of this Act, and for the cost and damages of removing the same;

Fascine fisheries with box-traps. 12. Every fascine fishery with a box-trap (*coffre*), instead of pound, shall have across the outside end of such box (*coffre*) a wire covering or a net work, the meshes of which shall be at least one inch square; but this shall not apply to eel weirs during autumn;

Nets &c., in small rivers. 13. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any small rivers.

Fish to be allowed free passage on Sunday. 14. From the time of low water nearest six of the clock in the evening on every Saturday, to the time of low water nearest six of the clock in the morning on every Monday, in tidal waters, and from six of the clock in the evening on every Saturday to six of the clock in the morning of the following Monday, in fresh water,—seines, nets or other apparatus used for catching fish shall be so raised or adapted as to admit of the free passage of fish through, past or out of the same, for the purpose of affording a free pass from six of the clock on every Saturday evening to six of the clock on every following Monday morning; and during this close time it shall be unlawful to catch fish by such means; and any fish so taken, caught or killed, together with the nets or other apparatus used, shall be forfeited, in addition to the penalties imposed by this Act. And forfeited if then taken.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

Penalty for throwing overboard certain substances prejudicial to fisheries. **14.** Whoever throws overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances, in any river, harbour or roadstead, or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves, or deposits, or causes to be thrown, left, or deposited upon the shore, beach, or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offals of fish, or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall incur for any such offence a fine not exceeding one hundred dollars, or imprisonment for not more than two months; and every person so doing, whether master or servant, and

and the master or owner of any vessel or boat from which such ballast, or offals, or other prejudicial substance are thrown, shall severally become liable for each offence; provided always, that it shall be lawful to bury such remains, or offals ashore, beyond high water mark, and at establishments situated inside of the mouths of rivers, for carrying on deep sea fisheries, to drop the same into perforated boxes or enclosures built upon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the streams, or to dispose of them in such other manner as may be prescribed by any Fishery Officer:

Proviso: as to the disposal of offal.

2. Lime, chemical substances or drugs, poisonous matter, (liquid or solid,) dead or decaying fish, or any other deleterious substance, shall not be drawn into, or allowed to pass into, be left or remain in any water frequented by any of the kinds of fish mentioned in this Act; and saw-dust or mill-rubbish shall not be drifted or thrown into any stream frequented by fish, under a penalty not exceeding one hundred dollars: Provided always that the Minister shall have power to exempt from the operation of this subsection, wholly or from any portion of the same, any stream or streams in which he considers that its enforcement is not requisite for the public interest;

Poisonous substances not to be used.

Mill-rubbish. Saw-dust.

Proviso: Minister may exempt any stream, &c.

3. Whoever at any time between the first day of June and the thirtieth day of September, of any year, kindles, makes or places any fire in or near any wood, trees, brushwood, or any wild or uncultivated land, at any place north of the River or Gulf of St. Lawrence, to the east or north of the Saguenay River, or on any of the islands below or to the eastward of Red Island, within the said river or gulf, whereby the fire spreads or extends through standing trees, brushwood or scrub, to a distance exceeding one arpent, shall for such offence, incur a penalty not exceeding fifty dollars, and shall besides be responsible to the Crown, or whoever may be the owner of the land, for all damages occasioned by such fire; provided, that nothing herein contained shall prevent proprietors or those having licenses to cut timber or wood from burning the wood, trees or brushwood on their own land, or otherwise using fire to clear their lands, without injury or prejudice to their neighbours.

Penalty for kindling fires in certain places at certain times.

Proviso: as to burning for clearance.

MISCELLANEOUS PROVISIONS.

15. The Minister may authorize to be set apart, and to be leased, any river or other water for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place set apart or used for the propagation of fish, or fishes therein without written permission from a Fishery Officer, or from the holder under lease or license, or uses therein any fishing light or other implement for fishing, during the period for which such waters are so set apart, shall incur a fine not exceeding two hundred dollars, or in default of payment, shall be imprisoned for not more than four months:

Waters may be set apart for the propagation of fish.

Penalty for trespass.

2.

Licences to take spawn, &c.

2. Nothing contained in this Act shall preclude the granting by the Minister of written permission to obtain fish and fish spawn, for purposes of stocking or artificial breeding, or for scientific purposes;

Fishery lessees in arrears.

3. Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses if in arrears of rent or percentage, during four months after the same is due, and any lessee or licensee convicted of an infraction of this Act, or any Regulation or Regulations under it, shall be liable to forfeit his lease or license;

Special licenses for Oyster beds.

4. Special licenses and leases for any term of years, may be granted to any party or parties who may wish to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or license shall have the exclusive right to oysters produced or found on the beds, within the limits of such license, for the term of such lease;

Minister may expend Parliamentary Grant for making or re-stocking Oyster beds.

5. The Minister may authorize to be expended annually any sum appropriated by Parliament, for the formation of oyster beds in various waters and places found adapted for that purpose, and transplanting oysters, and towards re-stocking exhausted fisheries by natural or artificial means, and to improve streams where natural obstructions exist, and may authorize the construction, erection or placing of any artificial barrier or grating in any stream or river, or in any water-course, and in the channels or beds thereof;

Protection of oyster beds.

Penalty for injuring them.

6. With a view to protect the oyster beds in different parts of the bays and coasts of the Dominion, it shall not be lawful for any person to take oysters, or in any way to injure or disturb such oyster beds, except during times and on terms permitted by Regulation or Regulations under this Act, under a penalty of not more than one hundred dollars nor less than forty dollars together with the forfeiture of the vessel and all the apparatus employed therein; and in default of payment, the party convicted shall be imprisoned for not less than one month, nor more than two months;

Shell-fish Fisheries.

7. Shell-fish fisheries shall be subject to the provisions of this Act, and any Regulation or Regulations to be made under it.

FINES AND FORFEITURES.

Penalty in cases where no other is provided.

16. Except for offences to which penalties are already attached, each and every offender against the provisions of this Act, or the Regulations under it, shall for each offence incur a fine of not more than twenty dollars, besides all costs; and in default of payment of each fine, shall be imprisoned in each case for not less than eight days, and not exceeding one month; provided

provided, whenever it shall appear to the satisfaction of the convicting magistrate, that the offence has been committed in ignorance of the law, and that because of the poverty of the defendant, the penalty imposed would be oppressive, a discretionary power may be exercised; and any Fishery Officer or other magistrate may grant a warrant of distress for the amount of fine and costs imposed in any case: **Proviso: discretionary power in certain cases.**

2. The contravention on any day of any of the provisions of this Act, or of any Regulation made under it, shall constitute a separate offence, and may be punished accordingly; **Separate offence on each day.**

3. Should any defendant have goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any Fishery Officer or other magistrate, notwithstanding the imprisonment of the party convicted and fined; **Distress for penalty &c.**

4. All materials, implements or appliances used, and all fish had in contravention to this Act or any Regulation or Regulations under it, shall be confiscated to Her Majesty, and may be seized and confiscated on view by any Fishery Officer, or taken and removed by any person for delivery to any magistrate, and the proceeds of disposal thereof may be applied towards defraying expenses under this Act; **Forfeiture of articles used in contravention of this Act.**

5. One moiety of every fine or penalty levied by virtue of this Act, shall belong to Her Majesty, and the remaining half thereof shall be paid to the prosecutor, together with costs taxed to him for attendance as a witness or otherwise; **Appropriation of pecuniary penalties.**

6. Her Majesty's share of each fine or penalty and all proceeds derived from the sale of confiscated articles under this Act, shall be paid to the Receiver General through the Department of Marine and Fisheries, and be applied towards the expenses incurred for the protection of fisheries; and persons aggrieved by any such conviction may appeal by petition to the Minister, who shall have power to remit fines and restore forfeitures under this Act. **How to be applied.** **Appeal to Minister.**

MODE OF RECOVERY.

17. Each penalty or forfeiture imposed by this Act, or Regulations made under it, may be recovered, on parole complaint, before any Fishery Officer, stipendiary or other magistrate, in a summary manner, on the oath of one credible witness: **Before whom to be sued for.**

2. Three days shall elapse between the service and the return of summons to any defendant for the first five leagues, and one day more for each additional five leagues of the distance between the place at which the summons is dated and the place of service; Provided that, when it is expedient to proceed against a defendant without delay, any Fishery Officer or other magistrate may issue a summons, returnable immediately, to compel the **Service of Summons, &c.** **Proviso: for cases not admitting delay.**

the defendant to appear before him forthwith, or may issue a warrant for the apprehension of such defendant simultaneously with the summons;

Limitation of suits.

3. Penalties incurred under this Act, or the Regulations made under it, shall be sued for within two years from the commission of the offence;

Who shall be liable.

4. When not otherwise specified, every proprietor or proprietress, owner, agent, tenant, occupier, partner, or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for penalties or moneys recoverable under any of the provisions of this Act or any Regulation or Regulations under it;

No quashing for want of Form, &c.

5. No proceeding under this Act or under any Regulation or Regulations made under it shall be dismissed, and no conviction thereunder shall be quashed for want of form; nor shall any warrant of arrest or commitment be held void by reason of any defect therein, provided it is therein alleged that party has been convicted, and there is a good and valid conviction to sustain the same.

POWERS OF FISHERY OFFICERS AND OTHER MAGISTRATES.

Fishery Officer may convict on view.

18. Any Fishery Officer or other magistrate may convict upon his own view of any of the offences, both as infractions and for non-compliance, punishable under the provisions of this Act; and shall remove or cause to be removed instantly and detain any materials illegally in use:

May cause search to be made.

2. Any Fishery Officer or other magistrate may search, or shall grant a warrant to have searched, any vessel or place where there is cause to believe that any fish taken in contravention of this Act, or anything used in violation thereof may be concealed;

In what locality to be prosecuted.

3. Where any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any magistrate in either of such counties or districts, or before the Fishery Officer for either contiguous fishery district;

Right of Fishery Officer to pass over lands.

4. In the discharge of his duties any Fishery Officer, or other person or persons by him accompanied or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass;

Disputes as to boundaries.

5. Disputes between parties relative to fishing limits or claims to fishery stations, or position and usage of nets and other fishing apparatus, shall be settled by the local Fishery Officer;

6.

6. Gurry-grounds may be designated or defined by any Fishery Officer; Gurry-grounds.

7. Any Fishery Officer, stipendiary magistrate, or commissioned officer of Her Majesty's Navy, on board of any vessel belonging to or chartered by the Canadian Government, employed in the service of protecting fisheries, and each commissioned officer of Her Majesty's Navy serving on board of any vessel cruising and being in the waters, harbors or ports of Canada, for the purposes of affording protection to Her Majesty's subjects engaged in the fisheries, and to enforce any laws relating to such fisheries, shall exercise magisterial powers in all the waters, harbors or ports, and on all the coasts of the Dominion of Canada where for the time being and for the purposes above described they are so engaged, without property qualification and without taking any oath of office; Certain Officers in the Canadian or British Navy to have magisterial powers under this Act.

8. Seizures made by any Fishery Officer, Stipendiary Magistrate or Naval Officer, so acting as aforesaid, may be taken for disposal to the nearest or most convenient port where there shall reside any revenue officer or other public officer empowered to dispose of the case; Seizures how to be dealt with.

9. Whenever it may be impracticable for any Fishery Officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner or prisoners to be conveyed to, and committed to the nearest Common Gaol, he shall have power to detain him or them on board of the vessel, or transfer him or them to another vessel for conveyance and delivery at the most convenient place, and with all convenient dispatch, where he or they can be duly committed into the custody of the Sheriff or other officer of the county or district in which the Common Gaol is situated to which he or they shall be ordered to be committed; and until such prisoner or prisoners shall be so delivered into the immediate custody of any Sheriff or Gaoler the Fishery Officer, Stipendiary Magistrate or Naval Officer having him or them in charge, shall have in all parts through which it may be necessary to convey any prisoner or prisoners, the same authority and power over and in regard to such person or persons, and to command the aid of any of Her Majesty's subjects in preventing his or their escape, or in retaking him or them in case of escape, as any county or district sheriff or peace officer would have while lawfully conveying a prisoner from one part to another of his own district; Powers of Fishery Officer &c., for the detention of prisoners when he cannot convey them to gaol.

10. The offence for which any person or persons may be so committed to any Common Gaol shall always be held to have taken place in the county or district to the Common Gaol of which the commitment has been actually made. Where the offence shall be held to have been committed.

FISHERY REGULATIONS.

19. The Governor in Council may from time to time make, and from time to time vary, amend or alter, all and every such Regulation Governor in Council may

make fishery regulations.

Regulation or Regulations as shall be found necessary or deemed expedient for the better management and regulation of the sea-coast and inland fisheries, to prevent or remedy the obstruction and pollution of streams, to regulate and prevent fishing, to prohibit the destruction of fish and to forbid fishing except under authority of leases or licences, every of which Regulations shall have the same force and effect as if herein contained and enacted, notwithstanding that such Regulations may extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing or the terms specified as prohibited or close seasons, and may fix such other modes, times or places as may be deemed by the Governor in Council to be adapted to different localities, or may be thought otherwise expedient:

And may thereby vary certain provisions of this Act.

Publication and proof of regulations.

2. The publication oi such Regulations in the *Canada Gazette*, shall be sufficient notice to give legal effect to the same; and the production of a copy of a paper purporting to be "The Canada Gazette" and containing any such Regulation or Regulations, shall be admitted as full and sufficient evidence of the same in all courts of law or equity in Canada;

Stating offences against this Act.

3. Every offence against any Regulation or Regulations made under this Act may be stated as in contravention of the *Fisheries Act.*

PROVINCIAL ACTS AND REGULATIONS REPEALED OR CONTINUED.

Acts and parts of Acts repealed.

20. The following Acts and parts of Acts are hereby repealed:

Can. 29 V. c. 11.

The Act passed by the Legislature of the late Province of Canada, (29 Vic. Cap. 11) intituled: *An Act to amend chapter sixty-two of the Consolidated Statutes of Canada, and to provide for the better regulation of Fishing and protection of Fisheries,* and also the several sections of the said sixty-second chapter of the Consolidated Statutes of Canada therein excepted from repeal; Provided, always, that the Regulations of 7th May, 1859, adopted under chapter 62 of the said Consolidated Statutes of Canada, and relating to fisheries at and around the Magdalen Islands, and the Regulations of 4th August, 1866, 9th August, 1866, and 26th April, 1867, adopted under the Statute 29 Victoria, Cap. 11, shall continue in force in the Provinces of Quebec and Ontario, until amended or superseded by other Regulations under this Act:

Proviso: as to certain regulations.

N.B. 23 V. c. 52.

The Act passed by the Legislature of the Province of New Brunswick, (23 Vic. Cap. 52) intituled: *An Act relating to the Fisheries of the County of Restigouche;*

N.B. 26 V. c. 6.

The Act passed by the said Legislature, (26 Vic. Cap. 6) intituled: *An Act relating to the Coast and River Fisheries;*

The

The Act passed by the said Legislature, (30 Vic. cap. 14) intituled: *An Act to encourage the formation of Oyster Beds;* but any Regulation or Regulations made under either of the three last mentioned Acts and not inconsistent with the provisions of the present Act, shall remain in force in the Province of New Brunswick until amended or superseded by Regulation or Regulations to be made under this Act, and shall be subject in every respect to the authority by this Act vested in the respective Fishery Officers appointed under this Act, who are hereby empowered to enforce the same. N. B. 30 V. C. 14. Proviso: as to regulations under it.

21. The following Acts shall continue in force in the Provinces of New Brunswick and Nova Scotia: Acts continued in N. B. & N. S.

An Act passed by the Legislature of the Province of New Brunswick (16 Vic. Cap. 69) intituled: *An Act relating to the Coast Fisheries, and for the prevention of Illicit Trade;* N. B. 16 V. C. 69.

Chapter 94, Revised Statutes, *third series*, "*Of the Coast and Deep Sea Fisheries*," as amended by subsequent Acts of the Legislature of Nova Scotia: Provided always, that such Fishery Officers as may be especially empowered in that behalf by the Governor in Council, shall also exercise the powers by the said recited Act and chapter of Acts vested in Revenue and other Officers, Sheriffs and Magistrates, and all penalties and forfeitures imposed under the same shall be paid over to the Receiver General through the Department of Marine and Fisheries to be applied towards the Fisheries Protection Service, in like manner as other fines and confiscations under the present Act; N. S. Revised Stat. C. 94. Proviso: certain powers under that Act may be exercised by Fishery Officers.

Chapter 95 of the Revised Statutes of Nova Scotia, *third series*, "*Of River Fisheries;*" Same Cap. 95

The Act (28 Vic. Cap. 35) intituled: *An Act to amend chapter 95 of the Revised Statutes "Of River Fisheries;"* N. S. 28 V. C. 35.

The Act (29 Vic. Cap. 35,) intituled: *An Act to amend Chapter 94 of the Revised Statutes "Of the Coast and Deep Sea Fisheries;"* N. S. 29 V. C. 35.

The Act (29 Vic. Cap. 36,) intituled: *An Act to amend Chapter 95 of the Revised Statutes, "Of River Fisheries;"* N. S. 29 V. C. 36.

And all Regulations adopted in pursuance of the said chapter of the said Revised Statutes or of the said Acts amending the same shall remain in force until amended or superseded by any Regulation or Regulations under this Act; And regulations under them.

Provided always, that the powers and duties in the above named chapters and Acts devolving on the Governor in Council under the said Acts, shall vest in the Governor of Canada in Council, and Proviso: as to the exercise of powers under the said Acts.

and the powers and duties belonging to the General or Special Sessions, and the Grand Jury, shall, as affects the making of any Regulation or Regulations, order or orders, be vested in the Governor General in Council, and as affecting the appointment and control of Fishery Inspectors or Wardens, and the declaring of exemptions, shall vest in the Minister; and any Fishery Officer or Officers appointed under this Act shall fulfil the duties of Fishery Inspectors or Wardens, and exercise the functions which by the said above recited chapters and Acts attach to justices and sheriffs, for all the purposes of the aforesaid chapters and Acts or any such Regulation or Regulations;

Fishery Officers may perform certain duties.

Fishery Officers to exercise powers under Rev. Stat. N. S. cap. 103.

Each and every Fishery Officer shall also exercise the power and perform the duty assigned to Commissioners or Overseers of River Fisheries by the second section of Chapter 103, of the Revised Statutes, (*third series*) of the Province of Nova Scotia;

As to penalties under the said Acts.

22. All fines and penalties levied under the several chapters and Acts recited, or under any Regulation or Regulations referred to in the two next preceding sections, shall be disposable in the same manner as if imposed and levied under the present Act.

FORMS OF PROCEDURE.

Forms of proceedings under this Act.

23. Forms of proceedings, Orders and Notices used under this Act and Regulations, may for respective processes, be in the forms prescribed in the Schedule hereunto annexed, or in any other form; and in other respects the laws relating to summary convictions and orders, shall apply to cases under this Act.

Short Title.

24. This Act shall be known and cited as *The Fisheries Act.*

SCHEDULE A.

Form of Complaint.

Province of }
County (*or* District) of }

This day of , 18 .

To J. S., a Justice of the Peace for the said County (*or* District).

A. B., of , complains that C. D. of , hath (*state the offence briefly in any intelligible terms, with the time and place at which it was committed,*) in contravention of the Fisheries

Fisheries Act; Wherefore the complainant prays that judgment may be given against the said C. D., as by the said Act provided.

(*Signature*) A. B.

SCHEDULE B.

Summons to Defendant.

Province of
County (*or* District) of 18 .

To C. D., of , &c.

Whereas complaint has (*this day*) been made before me that you (*state the offence in the words of the complaint, or to the like effect*) in contravention of the Fisheries Act: Therefore you are hereby commanded to come before me, at on the day of , at o'clock in the , to answer the said complaint and to be dealt with according to law.

Witness my hand and seal, this day of , 18 .

Justice of the Peace for

[L. S.]

SCHEDULE C.

Subpœna to a Witness.

Province of
County (*or* District) of

To E. F., of &c.

Whereas complaint has been made before me that C. D. did (*state the offence as in the Summons*), and I am informed that you can give material evidence in the case: Therefore, you are commanded to appear before me, at , on the day of , at . o'clock in the , to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this day of 18 .

J. S.,
(*as in Summons.*)
[L. S.]

SCHEDULE D.

Form of Conviction.

Province of }
County (*or* District) of }

Be it remembered, that on this day of 18 , at in the said County (*or* District), C. D., of , is convicted before me, for that he did, &c. (*stating the offence briefly, and the time and place where committed*), in contravention of the Fisheries Act ; And I adjudge the said C. D. to forfeit (and pay) the sum of (*or mention the thing forfeited under this Act*), to be applied according to law, and also to pay to A. B. (*the complainant*) the sum of for costs :

(*If the penalty be not forthwith paid, add*), and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Gaol of the County (*or* District) of for the period of

Witness my hand and seal, this day of , 18 .

J. S.,
(*as in Summons.*)
[L. S.]

SCHEDULE E.

Form of Warrant of Commitment for non-payment of penalty or forfeiture and costs.

Province of }
County (*or* District) of }

To the Constable and Peace Officers of the County (*or* District) of and the Keeper of the Common Gaol of the said County (*or* District), at

Whereas C. D., of , was on the day of 18 , convicted before me, for that he, &c. (*as in Conviction*), and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., &c. (*as in Conviction ;*) And whereas the said C. D. hath not paid the said penalty or forfeiture and costs : Therefore, I command you, the said Constables and Peace Officers, or any of you, to convey the said C. D. to the Common Gaol for the of , at and deliver him to the keeper thereof with this warrant ; and I

I command you the said keeper of the said Gaol, to receive the said C. D. into your custody, and keep him safely imprisoned in the said Gaol for the space of , and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this day of , 18 .

J. S.,
(as in Summons.)
[L. S.]

CAP. LXI.

An Act respecting fishing by foreign vessels.

[Assented to 22nd May, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Governor may, from time to time, grant to any foreign ship, vessel or boat, or to any ship, vessel or boat not navigated according to the laws of the United Kingdom, or of Canada, at such rate, and for such period not exceeding one year, as he may deem expedient, a license to fish for or take, dry or cure any fish of any kind whatever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbours whatever, of Canada, not included within the limits specified and described in the first article of the convention between His late Majesty King George the Third and the United States of America, made and signed at London on the twentieth day of October, 1818. Governor may grant licenses to foreign vessels, &c., to fish in British waters, within three miles of the coasts of Canada.

2. Any commissioned officer of Her Majesty's Navy serving on board of any vessel of Her Majesty's Navy cruising and being in the waters of Canada for purpose of affording protection to Her Majesty's Subjects engaged in the fisheries, or any commissioned officer of Her Majesty's Navy, Fishery officer, or Stipendiary Magistrate on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the Customs of Canada, Sheriff, Magistrate or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbour in Canada or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks or harbours in Canada, and stay on board so long as she may remain within such place or distance. Certain British or Canadian officers may board vessels hovering in British waters within the said limits.

3. If such ship, vessel or boat be bound elsewhere, and shall continue within such harbour or so hovering for twenty-four hours after the Master shall have been required to depart, any one of such Such vessels refusing to depart may be brought into port, &c.

such officers or persons as are above mentioned may bring such ship, vessel or boat into port and search her cargo, and may also examine the Master upon oath touching the cargo and voyage; and if the Master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the above mentioned limits, without a license, or after the expiration of the period named in the last license granted to such ship, vessel or boat under the first section of this Act, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.

And forfeited in certain cases.

Vessels, &c., forfeited may be seized.

4. All goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the second section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in any opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and upon conviction be liable to imprisonment for a term not exceeding two years.

Penalty for resisting seizure

How such vessels, &c., shall be secured and kept.

5. Goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of the Collector or other principal officer of the Customs at the port nearest to the place where seized, to be secured and kept as other goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the Province in which such port is situate to be secured and kept, or into such other custody and keeping as the Governor in Council, or a court of Vice-Admiralty shall order.

When condemned to be sold by auction.

6. All goods, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo, condemned as forfeited under this Act shall, by direction of the Collector or other principal officer of the Customs at the port where the seizure has been secured, be sold at public auction; and the proceeds of such sale shall be applied as follows: The amount chargeable for the custody of the property seized shall first be deducted and paid over for that service; one half of the remainder shall be paid without deduction to the officer or person seizing the same; and the other half, after first deducting therefrom all costs incurred, shall be paid to the Receiver General of Canada through the Department of Marine and Fisheries; but the Governor in Council may, nevertheless, direct that any ship, vessel,

Application of proceeds of sale.

Proviso: vessels, &c., may

vessel, boat or goods and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited shall be destroyed, or be reserved for the public service. be reserved for public service.

7. Any penalty or forfeiture under this Act may be prosecuted and recovered in any court of Vice-Admiralty within Canada. Forfeiture how enforced.

8. The Judge of the court of Vice-Admiralty may, with the consent of the person seizing any goods, ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo, as forfeited under this Act, order the re-delivery thereof, on security by bond to be given by the party, with two sureties, to the use of Her Majesty: and in case any goods, ship, vessel or boat or the tackle, rigging, apparel, furniture, stores and cargo so re-delivered is condemned as forfeited, the value thereof shall be paid into court and distributed as above directed. Vessel, &c., may be released on security being given. Value to be distributed in case of condemnation.

9. Her Majesty's Attorney General for Canada may sue for and recover in Her Majesty's name any penalty or forfeiture incurred under this Act. Attorney General for Canada to sue.

10. In case a dispute arises as to whether any seizure has or has not been legally made or as to whether the person seizing was or was not authorized to seize under this Act, oral evidence may be heard thereupon, and the burden of proving the illegality of the seizure shall be upon the owner or claimant. As to proof of legality of seizure.

11. No claim to any thing seized under this Act and returned into any Court of Vice Admiralty for adjudication shall be admitted unless the claim be entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed; which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief. Claims must be made on oath.

12. No person shall enter a claim to any thing seized under this Act until security has been given in a penalty not exceeding two hundred and forty dollars to answer and pay costs occasioned by such claim; and in default of such security the things seized shall be adjudged forfeited, and shall be condemned. And security must be given.

13. No Writ shall be sued out against any officer or other person authorized to seize under this Act for any thing done under this Act, until one month after notice in writing delivered to him or left at his usual place of abode by the person intending to sue out such Writ, his attorney or agent; in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his Attorney or Agent; and no evidence of any cause of action shall be produced except such as shall be contained in such notice. Protection of officers, &c., acting under this Act.

14.

Limitation of suits.

14. Every such action shall be brought within three months after the cause thereof has arisen.

If judgment be for the claimant but there was probable cause of seizure, no costs allowed.

15. If on any information or suit brought to trial under this Act on account of any seizure, judgment shall be given for the claimant, and the Judge or Court shall certify on the record that there was probable cause of seizure, the claimant shall not recover costs, nor shall the person who made the seizure be liable to any indictment or suit on account thereof; and if any suit or prosecution be brought against any person on account of any seizure under this Act and judgment be given against him, and the Court or Judge shall certify that there was probable cause for the seizure, then the Plaintiff, besides the thing seized or its value, shall not recover more than three and a half cents damages, nor any costs of suit, nor shall the Defendant be fined more than twenty cents.

Tender of amends.

16. Any officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the party complaining, or to his Attorney or Agent, and may plead such tender.

Limitation of suits for penalties.

17. All actions for the recovery of penalties or forfeitures imposed by this Act must be commenced within three years after the offence committed.

As to appeals from decrees under this Act.

18. No appeal shall be prosecuted from any decree, or sentence of any Court touching any penalty or forfeiture imposed by this Act, unless the inhibition be applied for and decreed within twelve months from the decree or sentence being pronounced.

Governor in Council may relieve from penalty.

19. In cases of seizure under this Act, the Governor in Council may, by order, direct a stay of proceedings; and in cases of condemnation may relieve from the penalty in whole or in part, and on such terms as may be deemed right.

Act to apply to inland waters; and other Courts substituted for Vice-Admiralty in such case.

20. The several provisions of this Act shall apply to any foreign ship, vessel or boat in or upon the Inland Waters of Canada; and the provisions hereinbefore contained in respect to any proceedings in a court of Vice-Admiralty shall, in the case of any foreign ship, vessel or boat, in or upon the Inland Waters of Canada, apply to, and any penalty or forfeiture in respect thereof shall be prosecuted and recovered in, one of the Superior Courts of the Province within which such cause of prosecution may arise.

Certain enactments of N. S. and N. B. not to apply to cases provided for by this Act.

21. Neither the ninety-fourth chapter of the Revised Statutes of Nova Scotia, (third series,) "*Of the Coast and Deep Sea Fisheries*," nor the Act of the Legislature of the Province of Nova Scotia, passed in the twenty-ninth year of Her Majesty's Reign, chapter thirty-five, amending the same, nor the Act of the

the Legislature of the Province of New Brunswick passed in the sixteenth year of Her Majesty's reign, chapter sixty-nine, intituled: "*An Act relating to the Coast Fisheries, and for the prevention of Illicit Trade,*" shall apply to any case to which this Act applies; and so much of the said chapter and of each of the said Acts as makes provision for cases provided for by this Act, is hereby declared to be inapplicable to such cases.

CAP. LXII.

An Act respecting Harbor Police.

[*Assented to 22nd May,* 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. So much of the Act of the Legislature of the late Province of Canada, passed in the session thereof held in the fourteenth and fifteenth years of Her Majesty's reign, and intituled: *An Act to provide for defraying the Expense of the River Police at Quebec,* as imposes or authorizes the imposing of any tonnage duty on vessels entering or clearing at the Port of Quebec, and the whole of the Act of the said Legislature passed in the twentieth year of Her Majesty's Reign, and intituled: *An Act further to provide for defraying the Expense of the River Police at Quebec,* shall be repealed upon, from and after the first day of July, in the present year, one thousand eight hundred and sixty-eight, and any duty imposed by or under the said Acts, shall cease to be payable on any vessel entering or clearing at the said Port, on or after the said day; provided that nothing herein contained shall prevent or affect the collection of any duty, or the recovery of any penalty payable or incurred before the said day, as to which the provisions of the said Acts shall remain in force. Acts of Canada, 14, 15 V. c. 25 and 20 V. c. 124. Duties repealed. Proviso.

2. There shall be raised, levied, collected and paid upon every vessel entering at the Port of Quebec, or at the Port of Montreal, on or after the day last aforesaid, a duty of three cents per ton register of such vessel for the purposes of this Act, and the said duty shall be payable by the Master of such vessel to the Collector of Her Majesty's Customs at the port, at the time of the entry, which shall contain on the face of it the register tonnage of the vessel; Provided that any vessel of one hundred tons register, or less, shall be subject to the payment of such duty on her first entry in either of the said ports, in any year, but not on any subsequent entry at the same port, in the same year,—and that any vessel of more than one hundred tons register, shall be subject to the said duty on her first and second entry at either of the said Ports in any one year but not on any subsequent entry in the same year,—and that no vessel bound to New duties imposed on Vessels entering at Quebec or Montreal. Proviso: how often such duty shall be payable in any year.

to or from the Port of Montreal shall be liable to pay such duty at the Port of Quebec for the same voyage.

No clearance until duty is paid.

Penalty for leaving without paying.

3. The Collector of Her Majesty's Customs at either of the said Ports, shall not grant any entry inwards or clearance outwards to any vessel until the duty payable on such vessel under this Act has been paid; and the Master of any vessel liable to such duty, and not requiring any clearance who shall leave the Port at which it ought to be paid, without having paid it, shall thereby incur a penalty of two hundred dollars, to be recoverable in like manner as penalties for breach of the laws relative to Duties of Customs.

Application of monies levied.

4. The moneys levied in either of the said Ports, under the authority of this Act, shall be paid over by the Collector receiving the same to the Receiver General, and shall be applied under the control and management of the Minister of Marine and Fisheries, and under such regulations as the Governor in Council may from time to time make, and by such officers and persons as the Governor may from time to time appoint, in defraying the expense of maintaining and of paying the members of the Police Force, acting as Constables in or at that Port, in which such moneys were collected, under the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, which shall apply to such Police Force, subject to the provisions of this Act, and to the control and management of the said Minister of Marine and Fisheries.

Governor in Council may impose like duties for like purposes at other ports.

How such duties shall be applied.

5. The Governor in Council may, from time to time, impose a like duty with that imposed by this Act, and to the like amount, and payable in like manner, and under the like conditions and penalties, on vessels entering at any other port in Canada, at which he may deem it expedient that a River or Harbor Police Force should be maintained; and such moneys shall be paid over to the Receiver General in the manner provided with respect to duties imposed by this Act, and shall be applied under the control and management of the Minister of Marine and Fisheries, and under such regulations as the Governor in Council may, from time to time, make, and by such officers and persons as the Governor may, from time to time, appoint, in defraying the expenses of maintaining and of paying the members of a Police Force acting as Constables in or at that port at which such moneys shall have been collected, and aiding in enforcing the law at such Port.

Accounting clause.

6. Every person intrusted with the expenditure of any portion of the moneys collected under this Act, shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance, if any, remaining in his hands; and every such account shall be supported by vouchers, therein distinctly referred to by numbers corresponding to the numbering of the items

items in such account, and shall be made up to and closed on the thirtieth day of September, the thirty-first day of December, the thirty-first day of March, and the thirtieth day of June, in each year during which such expenditure shall be made, and shall be attested before a Judge of a Superior Court of Law or Justice of the Peace, and shall be transmitted to the Minister, within ten days next after the expiration of the said periods respectively.

7. The Minister shall make an Annual Report and Statement to the Governor General, of the receipts and expenditures under this Act, for the purpose of, and in time for, its being laid before Parliament within the first fifteen days of the next Session thereof. **Minister's Annual Report.**

CAP. LXIII.

An Act relating to Quarantine and Public Health.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

QUARANTINE.

1. The Governor in Council may, from time to time, make such regulations as he thinks proper, for enforcing compliance with all the requirements of this Act, and concerning the entry or departure of boats or vessels at the different ports or places in Canada, and concerning the landing of passengers or cargoes from such boats or vessels, or the receiving of passengers or cargoes on board of the same, as may be thought best calculated to preserve the public health, and for ensuring the due performance of Quarantine, by and in respect of vessels, passengers, goods or things arriving at any port within Canada, to which he thinks it right for the preservation of the Public Health that such regulation should apply, and for the thorough cleansing and disinfecting of such vessels, passengers, goods or things, so as to prevent as far as possible, the introduction or dissemination of disease into or in Canada, and may appoint or remove such officers as he may deem necessary for so doing, and assign to them respectively such powers as he may think required for carrying out the provisions of such regulations, and may, from time to time, revoke or amend the same, or any of them, and may make others in their stead, and may impose penalties, forfeitures and punishments for the breach thereof, which regulations shall be notified by proclamation, published in the *Canada Gazette*, at least twice; and the production of the copies of the *Gazette* containing any such proclamation, shall be evidence of the making, date and contents of such regulations. **Governor may make Quarantine Regulations.** **Publication and proof of Regulations.**

2.

Quarantine regulations to have the force of law.

2. Such regulations shall have the force of law during the time they respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time, or at certain times or seasons, in which case they shall have the force of law during the time and at the times and seasons during or at which they have been limited to be in force; and any person disobeying any such regulation, may be prosecuted for a misdemeanor, punishable by fine or imprisonment, or both, as the Court may direct, or otherwise such person may be sued for the penalties contained in such regulation.

Contravention to be a misdemeanor.

Vessels from sea, &c., may be required to perform Quarantine.

3. By such regulations the Governor in Council may require the master of every vessel coming up the River St. Lawrence from below the Quarantine Station at *Grosse Ile*, or arriving by sea at any Port or place in Canada, (except only such vessels as are therein designated and referred to as excepted,) to bring his vessel to anchor at the anchorage at the proper Quarantine Station designated in the regulations, and report such vessel, in writing, to the officer at such station designated for that purpose in such regulations, with all the particulars relative to the same, and to the voyage, passengers and cargo thereof, required by such regulations, or by any officer duly authorized under them to require the same, and to allow the proper officer to visit and inspect such vessel and every part thereof, and the passengers and crew and the cargo and other articles on board the same,—and to answer truly all questions asked of him touching the same,—and to send on shore at such station, and at the places there pointed out by the officer thereunto authorized by such regulations, any or all of the passengers, crew, cargo or other articles on board such vessel, as such officer thinks necessary for preventing the introduction of contagious or infectious disease, and to allow such passengers, crew, cargo or other articles, and also the vessel itself to remain so long at such station and at such places thereat respectively, and to be so treated, cleansed and purified, as such officer shall think necessary for the purpose aforesaid.

Obligations of Vessels coming to Quarantine Station.

Powers of Officers at Quarantine Station.

4. And by such regulations the Governor in Council may assign to the several officers and persons to be employed at any such Quarantine Station, the powers and duties necessary for carrying the said regulations and this Act fully into effect, and may declare that any such officer or person shall, by virtue of his office or employment, be a Justice of the Peace, or a Constable or Peace Officer for such Quarantine Station, and for the space around the same described in such regulations; and such officer shall accordingly be such Justice of the Peace or Peace Officer, whether he be otherwise qualified or not, for the purpose of carrying out the criminal laws and other laws of the Dominion; and by such regulations the Governor in Council may impose penalties not exceeding four hundred dollars in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such penalty

Penalties for contravention.

penalty be paid, and may direct that no vessel shall be entered or cleared at any Custom House in Canada, until all the requirements of such regulations are fully complied with, and may direct that any person, vessel or thing, who or which has passed or departed or been removed from any Quarantine Station, before all the requirements of such regulations have been complied with in respect of such person, vessel or thing, or without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such station, and by force if necessary.

5. The Governor in Council may appoint one medical officer at Quebec, to board, visit and inspect boats or vessels arriving in the Harbour of Quebec from sea, and to perform such other duties and have such powers as the Governor in Council may by any regulations direct. Medical Officer at Quebec.

6. Every penalty or forfeiture, imposed or declared under the authority of this Act, shall be a special lien upon the vessel by reason whereof it has become payable, and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the Justices or Court, before whom it has been sued for and recovered, and shall be preferred to all other liens or hypothecations, except mariners' wages. Penalties, &c., to be special liens on vessels.

PUBLIC HEALTH.

7. Whenever Canada, or any part thereof, appears to be threatened with any epidemic, endemic, contagious or infectious disease, the Governor may, by proclamation, make such regulations as he thinks proper and necessary to prevent the introduction of such disease from beyond the limits, or to prevent its spread within the limits of Canada, and otherwise protect the public health, and he may, from time to time, revoke or amend the same, or make others in their stead in like manner, and may impose penalties, forfeitures and punishments for the breach thereof, and such regulations shall be published at least twice in the *Canada Gazette*, and the production of copies of the *Gazette* containing such proclamation, shall be evidence of the making, date and contents of such regulations. Governor may make health regulations.

8. Such regulations shall have force of law during the time they respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time or certain seasons, during which time or seasons all provincial or local laws and by-laws or other enactments emanating from local authorities which may be in contradiction with such regulations, shall be suspended in their effect in so far as they may be contrary to such regulations. Health regulations to have the force of law.

9.

Central Boards of Health.

9. By such regulations the Governor in Council may appoint for any specified time, one or several "Central Boards of Health," and may name the members thereof, and also such medical and other officers and such servants as he may deem necessary to assist such boards, and the powers and duties of the said boards shall be such as are affixed to them by such regulations, and may be exercised by any number of the members thereof mentioned in the said regulations, as constituting the quorum thereof; and the powers and duties of such boards shall cease on the revocation or at the time of the expiration of the regulations aforesaid.

Local Boards of Health.

10. When and so long as such regulations are in force, it shall be the duty of every Municipal Corporation or County Sessions within Canada to organize a "Local Board of Health" for the limits of their respective jurisdictions, and such "Local Boards" or any three members thereof, shall have power to act under the regulations aforesaid, and the direction of any "Central Board of Health" designated in such regulations,

Duties of such Boards.

and the duties of such Local Boards of Health shall be to enforce generally all sanatory measures required, and carry out the regulations of the Governor in Council, and such orders as may be issued by the "Central Boards" in pursuance of the provisions of such regulations.

May be constituted by the Governor in certain cases.

11. In the case of Municipal Corporations or County Sessions neglecting or refusing to appoint a Local Board of Health as aforesaid, or in the absence of any such authority in any locality, the Governor in Council may nominate persons within the limits of such Municipal Corporation County or locality, to constitute such Local Boards of Health.

Penal clause. Punishment for contravention of regulations.

12. Whosoever wilfully obstructs any person acting under the authority of this law, and of the aforesaid regulations, or wilfully violates the dispositions contained in the said regulations, concerning the public health, or in orders promulgated by the "Boards of Health" in pursuance with such regulations, shall be liable for every such offence, to a penalty not exceeding twenty dollars, or imprisonment not exceeding ten days, before any two Justices of the Peace, on the evidence of any credible witness.

GENERAL PROVISIONS.

Distribution of pecuniary penalties.

13. All pecuniary penalties levied under the authority of that part of this Act which relates to Quarantine, and to localities where no incorporated local authorities exist, shall be paid into the hands of the Receiver General, to form part of the Consolidated Revenue of Canada, and all pecuniary penalties levied under that part of this Act which relates to Public Health, shall be paid into the hands of the Treasurer of the

Municipal

Municipal Corporation or County Sessions in whose jurisdiction the recovery has taken place, to form part of the revenue of such Corporation or County.

INTERPRETATION.

14. In this Act, unless there be something in the context inconsistent with such interpretation, the word "master" shall apply to any person in command of a vessel; the word "vessel" shall include all ships, vessels or craft of any kind carrying passengers; the word "passengers" shall apply to all passengers as well as to immigrants usually and commonly known and understood as such, but not to troops or military pensioners and their families, who are carried in transports or at the expense of the Imperial Government; the words "Quarantine Station" shall apply to *Grosse Ile*, Partridge Island, or other place at which Quarantine is directed to be performed. Interpretation, "master," "vessel," "Passengers," "Quarantine Station."

15. The following Acts and parts of Acts, and all other Acts and parts of Acts inconsistent with this Act, or with any provision provided for in this Act, are hereby repealed: Repeal of former Acts.

Chapter thirty-eight of the Consolidated Statutes of the late Province of Canada. Con. Stat. Can. Cap. 38.

Sections twenty-two, twenty-three and twenty-four of the Act forming the fortieth chapter of the Consolidated Statutes of the late Province of Canada. Sections 22, 23 and 24 of Con. Stat. Can. Cap. 40.

Section four of the Act forming the fifty-ninth chapter of the Consolidated Statutes for Upper Canada. Section 4 of Con. Stat. U. C. Cap. 59.

Chapter fifty-two "of Quarantine" of the Revised Statutes of Nova Scotia,—Third Series. Rev. Stat. N. S., C. 52.

The Act passed by the Legislature of the Province of Nova Scotia, in the twenty-ninth year of Her Majesty's Reign, chapter eight, intituled: *An Act to authorize the establishment of a Quarantine Station at the Port of Halifax.* Act of N. S., 29 V. c. 8.

So much of the third section of the fifty-eighth chapter of the Revised Statutes of New Brunswick, as authorizes any Sessions or Special Sessions to make regulations for the performing of Quarantine by any vessel, or prohibiting any person from landing from the same, or preventing any intercourse with persons on board. Part of sec. 3 of Cap. 58 of Rev. Stat. N. B.

So much of the eighth section of the Act of the Legislature of the Province of New Brunswick, passed in the eighteenth year of Her Majesty's Reign, chapter forty, intituled: *An Act to establish a Board of Health in the City and County of St. John*, as authorizes the Board of Health for the City and County of Act of N. B. 18 V. c. 40, s. 8.

of St. John, to regulate or prohibit the ingress of vessels to any port or place within the district under its jurisdiction.

Act of N. B. 18 V. c. 40, s. 10.

The tenth section of the said last mentioned Act, save and except so much thereof as enacts that any dangerous or offensive matter or thing may be destroyed by order of the Board of Health.

Acts of N. B., 21 V. c. 51, s. 4, 24 V. c. 26 and 26 V. c. 29.

The fourth section of the Act of the Legislature of the Province of New Brunswick, passed in twenty-first year of Her Majesty's Reign, chapter fifty-one, intituled : *An Act to amend and continue an Act, intituled : 'An Act to establish a Board of Health in the City and County of St. John,'* and so much of the Act of the said Legislature passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-six, and of the Act of the said Legislature passed in the twenty-sixth year of Her Majesty's Reign, chapter twenty-nine, as continues the said section and causes the same to be and remain in force.

Short title.

16. In citing this Act, it shall be sufficient to call it the "Quarantine and Health Act of 1868."

CAP. LXIV.

An Act respecting the Treatment and Relief of Sick and Distressed Mariners.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Interpretation. "Sick mariner."

1. The words "Sick Mariner," wherever they occur in this Act, mean and include any Master, Mate, Engineer, Seaman, Sailor, Steward, Fireman or other person employed on board of any vessel on which duty has been paid under this Act, who, from sickness, accident or any other cause is in need of medical or surgical assistance and treatment.

"Vessel."

2. The word "vessel," wherever it occurs in this Act, shall mean and include any vessel used in navigation, not propelled by oars.

Hospitals for sick mariners to be designated by Governor.

3. The Governor in Council may, from time to time, designate and appoint any Hospital or Hospitals in Canada receiving aid from the public funds of Canada to be, during pleasure, but not longer than such Hospital or Hospitals respectively shall continue to receive such aid, an Hospital or Hospitals for the reception, care and medical or surgical treatment, or both, of sick mariners, under this Act :

2.

2. The Governor in Council may, from time to time, with the consent of the Governors, Trustees, Directors or other persons having the control and management of any Hospital or Hospitals not receiving aid from the public funds of Canada, designate and appoint such Hospital or Hospitals to be during pleasure an Hospital or Hospitals for the reception, care and medical or surgical treatment, or both, of sick mariners under this Act. The same.

4. There shall be levied and collected on every vessel arriving in any port in the Provinces of Quebec, Nova Scotia or New Brunswick, a rate or duty of two cents for every ton which such vessel measures, register tonnage, which shall be paid by the master or person in command of such vessel, or by some person on his behalf, to the collector or other chief officer of the customs at the port at which such vessel is entered, and at the time of making such entry, which shall contain on the face of it the tonnage of such vessel; and no entry shall be validly made, or have any legal effect whatever, unless the rate or duty is so paid as aforesaid, save and except as hereinafter mentioned; and no collector or other chief officer of the Customs shall grant a clearance to any vessel on which such rate or duty or any part thereof is due and unpaid; and the moneys so received shall be paid by such collector or chief officer to the Receiver General of Canada, and shall form a fund to be called and known by the name of "The Sick Mariners' Fund," for the purposes hereinafter mentioned, and no other: A certain duty to be collected on all vessels arriving in any of the Ports in Quebec, Nova Scotia or New Brunswick. No entry until duty is paid. Application of such duties.

2. But no vessel of the burthen of one hundred tons or less, shall be subject to the payment of the said duty more than once in any one year; Proviso.

3. Nor shall any other vessel pay such rate or duty more than twice in any one year; Proviso.

4. Every collector or other chief officer of the customs shall transmit quarterly, on the thirtieth day of September, the thirty-first day of December, the thirty-first day of March, and the thirtieth day of June in each year, to the Minister of Marine and Fisheries, accounts of the sums received by him and paid over to the Receiver General under this Act. Collector to account quarterly to Minister of Marine and Fisheries.

5. The master or person in command of any vessel paying such rate or duty, may send to the said Marine Hospital at Quebec, or to the Marine or Seamen's Hospital at or for any other port in any of the Provinces aforesaid, or to any Hospital so designated and appointed as aforesaid, at any hour of the day (and in case of accident or emergency, at any hour of the night), any sick mariner belonging to his vessel; and such sick mariner, so sent with a written recommendation from such master or person in command of such vessel, endorsed as "approved" Masters of vessels may send their sick mariners to such Hospitals where they shall be received gratuitously.

"approved" by the Collector of the Customs at the port, or other officer appointed for the purpose by the Minister, shall be gratuitously received into such hospital, and receive therein such medical and surgical attendance and such other treatment as the case may require, so long as the same may be required.

Care and treatment of sick mariners to be paid for out of fund created by duty.

6. The Governor may, by warrant under his hand, pay, from time to time, for the purposes of this Act, and out of any moneys paid under it into the hands of the Receiver General, to the managers or directors of the Marine Hospital established at Quebec, and to the managers or directors of any Hospital designated and appointed, as hereinbefore provided, for the reception, care and medical or surgical treatment, or both, of sick mariners under this Act, but not exclusively devoted to that purpose, such sum or sums as he may deem to be a reasonable compensation for the care and treatment of the sick mariners sent to such Hospital.

If no Marine or Seamen's Hospital, Collector to make provision for care of sick or disabled sailor.

7. At any port at which such rate or duty as aforesaid is received, and at or for which there is no Marine or Seamen's Hospital, or other Hospital so designated and appointed as aforesaid, it shall be the duty of the Collector or other chief officer of the customs, upon being required so to do at any hour of the day (and in case of accident or emergency, at any hour of the night), by the master or person in command of any vessel paying such rate or duty at such port, to make without delay the best provision in his power for the medical or surgical assistance, or both, and treatment of any sick mariner belonging to such vessel, at the nearest public hospital if there be any such hospital at a safe and convenient distance, and if not, then at some public or private house.

Expenses incurred by Collector to be paid out of fund arising from duty.

8. The Governor may, by warrant under his hand, pay from time to time, for the purposes of the next preceding section, and out of any moneys paid under this Act into the hands of the Receiver General, to the collector or chief officer of the customs at any such port as is described in the said section, such sum or sums of money as such collector or other chief officer of the customs may from time to time prove to his satisfaction that he has lawfully and in good faith expended or become liable for, under and in pursuance and for the purposes of the said section.

Certain sums may be appropriated yearly towards temporary relief of certain other seamen.

9. The Governor may, whenever he deems it necessary, appropriate from the fund arising from the duties imposed under this Act, such sums as he deems requisite towards the temporary relief, in such manner as he deems advisable, of shipwrecked, destitute, or otherwise distressed seamen not entitled to relief under any of the provisions of "The Merchant Shipping Act, 1854," which may be in force in that one of the Provinces aforesaid in which such seamen may be :

2.

9. And any shipwrecked, destitute or otherwise distressed seamen may, by authority from the Minister, be temporarily boarded and lodged and taken care of at any Marine or Seamen's Hospital devoted exclusively to the reception, care and treatment of sick mariners. Such seamen may be taken care of.

10. All expenses incurred in any one of the Provinces aforesaid, for the care and medical and surgical treatment of sick mariners, including the cost of the maintenance and support of Marine and Seamen's Hospitals, devoted exclusively to such purposes, shall be defrayed out of "the Sick Mariners' Fund;" and the Governor in Council shall have the appointment, and power of removal, of the superintendents and other officers of such Hospitals, who shall be such and so many, and receive such salaries or remuneration as the Governor in Council may from time to time appoint. All expenses to be paid out of "Sick Mariners Fund."

11. Every person intrusted with the expenditure of any portion of the moneys hereby appropriated, shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance, if any, remaining in his hands, and the amount of the moneys hereby appropriated, to the purpose for which such advance has been made, remaining unexpended in the hands of the Receiver General; and every such account shall be supported by vouchers, therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the thirtieth day of September, the thirty-first day of December, the thirty-first day of March, and the thirtieth day of June, in each year during which such expenditure shall be made, and shall be attested before a Judge of a Superior Court of Law or a Justice of the Peace, and shall be transmitted to the Minister, within ten days next after the expiration of the said periods respectively. Expenditure of fund to be accounted for and vouchers produced. Accounts to be attested.

12. The Minister shall make an Annual Report and Statement to the Governor General, of the receipts and expenditures under this Act, for the purpose of, and in time for, its being laid before Parliament within the first fifteen days of the next session thereof. Annual report to be laid before Parliament.

13. Subject to the approval of the Governor in Council, the Minister shall have the management of all marine and seamen's hospitals and pest houses for the use of sick mariners, and may renew leases of lands on which any such hospitals or pest houses may be erected, and make all necessary contracts for repairing and maintaining the same, and for the cure, care, attendance and support of the patients therein, and may also make such regulations as he may deem advisable for the government of the same, for regulating the visiting of seamen ill of any infectious diseases, and for their removal to any pest Powers of Minister of Marine and Fisheries.

house or other building; and until proper buildings shall be erected at the several ports, the Minister may hire and make use of any building which may be convenient for the purposes aforesaid, or any of them.

Certain Hospitals to be under the control of the Minister.

14. All marine and seamen's hospitals, devoted exclusively to the reception, care and treatment of Sick Mariners shall be vested in Her Majesty, and under the exclusive control and management of the Minister of Marine and Fisheries.

Acts repealed R. S. N. S., C. 75, ss. 36, 37 and 38. Act of N. S., 29 V. c. 8, s. 5.

15. The thirty-sixth, thirty-seventh and thirty-eighth sections of chapter seventy-five of the Revised Statutes of Nova Scotia (third series) "Of Shipping and Seamen," and the fifth section of the Act of the Legislature of the Province of Nova Scotia, passed in the twenty-ninth year of Her Majesty's Reign, chapter eight, intituled: *An Act to authorize the establishment of a Quarantine Station at the Port of Halifax*, are hereby repealed, and the following Acts are also hereby repealed, namely:

Con. Stat. L. C., c. 59.

The Act "respecting the Medical Treatment of Sick Mariners," forming the fifty-ninth chapter of the Consolidated Statutes for Lower Canada;

R. S. N. B. c. 22.

Chapter twenty-two of the Revised Statutes of New Brunswick "Of Sick and Disabled Seamen."

Act of N. B., 18 Vic. c. 29.

The Act of the Legislature of the Province of New Brunswick, passed in the eighteenth year of Her Majesty's Reign, chapter twenty-nine, intituled: *An Act to amend the Law relating to Sick and Disabled Seamen;*

Act of N. B. 20 Vic. c. 1.

The Act of the Legislature of the Province of New Brunswick, passed in the twentieth year of Her Majesty's Reign, chapter one, intituled: *An Act to alter and amend chapter twenty-two, title III, of the Revised Statutes, "Of Sick and Disabled Seamen";*

Act of N. B., 22 Vic. c. 33.

The Act of the Legislature of the Province of New Brunswick, passed in the twenty-second year of Her Majesty's Reign, chapter thirty-three, intituled: *An Act relating to Sick and Disabled Seamen;*

Act of N. B., 26 Vic. c. 21.

The Act of the Legislature of the Province of New Brunswick, passed in the twenty-sixth year of Her Majesty's Reign, chapter twenty-one, intituled: *An Act relating to the accounts of Commissioners for Sick and Disabled Seamen.*

Effect of repeal restricted.

16. The repeal of the said sections of the said chapter of the said Revised Statutes and of the said first mentioned Act, shall not, nor shall the repeal of the said Acts or any of them, revive any Act or part of an Act, or any provision of law thereby

thereby repealed, nor affect any duty accrued, right acquired, or penalty, forfeiture or liability incurred under the said sections or Acts or any of them, or any offence committed against them or any of them before the passing of this Act.

17. This Act shall come into force upon, from and after the first day of July next. Commencement of Act.

CAP. LXV.

An Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them.

[*Assented to 22nd May*, 1868.]

FOR the greater security of life and property on board steamboats navigating the waters of the Dominion of Canada, or owned or registered in the Dominion of Canada, and departing from or arriving at any port or place in the Dominion of Canada, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

INSPECTORS.

1. The Governor in Council shall, from time to time, appoint at each of such places as he may find advisable, within the Dominion of Canada, a skilled person or skilled persons competent to inspect steamboats, and the machinery and boilers employed in the same, who shall not be interested in the manufacture of steam engines, boilers or other machinery belonging to steamboats, and whose duty it shall be to make such inspection as hereinafter prescribed, and to give to the owner or master duplicate certificates of such inspection; and every such Inspector, before entering upon his duties as such, shall take and subscribe an oath, before any person duly authorized to administer an oath, well, faithfully and impartially to execute the duties assigned to him by this Act. Governor in Council may appoint Inspectors of steamboats. Inspectors to be sworn.

2. The Inspectors shall form a Board to be called the "Board of Steamboat Inspection," of whom the Governor shall name the Chairman; three of the members shall form a quorum, and the chairman shall have the right to vote, and in case of an equal division he shall also have a casting vote, and the minutes of the proceedings of the Board shall be kept by him: Inspectors to form a board Quorum. Chairman.

2. After the first day of January, one thousand eight hundred and sixty-nine, no person shall be appointed an Inspector of Steamboats unless nor until he has passed a satisfactory examination before the Board of Steamboat Inspection, as to his knowledge on the subjects of hulls, boilers and machinery of steamboats, and the working of the same, and received from the Chairman of the Board a certificate in writing of that effect. No person to be appointed Inspector after 1st Jan., 1869, without previous examination.

Board to meet and make Regulations, for approval by Governor in Council.

3. The Board shall meet at least once every year, at such places as they may agree upon; Their first meeting shall be in the city of Montreal, on Wednesday, the first day of July next, to frame rules and regulations for their own conduct, and for the uniform inspection of steamboats, the selection of ports of inspection, and granting licences to engineers, and for such other purposes as may be necessary under this Act; and such Regulations shall come into force after they have been approved by the Governor in Council, but not before; and copies of the minutes of the proceedings of the Board, certified by the Chairman shall be transmitted to the Minister of Marine and Fisheries:

Copies to Minister.

Board to inquire into supposed neglect of duty by Inspector.

2. The Chairman of the Board of Steamboat Inspection, may at any time inspect or examine the hull, boiler and machinery of any steamboat, and if he suspects any Inspector of having neglected his duty in relation to such steamboat, he may call a meeting of the board to investigate the case; and the result of every such investigation shall forthwith be communicated in writing to the Minister of Marine and Fisheries, for the information of the Governor in Council.

Board to have power to inquire into causes of fatal accidents.

4. The Governor may, whenever he thinks fit, order an investigation to be made by any person or persons to be appointed for that purpose, into the cause of any accident involving loss of life on any steamboat, and the person or persons so appointed may summon witnesses and compel their attendance before him or them by the same process as courts of law, and may administer oaths and examine witnesses touching the cause of such accident and report thereon to the Governor.

INSPECTION.

Hull, boilers and machinery to be inspected once a year.

5. The master or owner of every steamboat shall cause the hull, boilers and machinery thereof to be inspected at least once every year, and shall deliver to the Collector of Customs at the Port where such inspection is made, or at which such steamboat shall arrive next after such inspection, where it has not been made in port, a duplicate certificate thereof; and for every neglect to cause such inspection to be made, and a duplicate certificate thereof to be delivered to the proper Collector, such master or owner shall incur a penalty of four hundred dollars, and such steamboat shall be liable for the same and chargeable therewith.

Penalty for default.

In case of approval, certificate to be granted, as in Schedule.

6. If the Inspector who inspects any steamboat in the manner required by this Act, approves of such steamboat and her machinery, boilers and equipments, he shall grant a certificate according to the form in the Schedule of this Act, and duplicates of such certificate shall be delivered to the owner, or master, of the steamboat, one of which such owner or master shall deliver to the Collector as aforesaid, and the other he shall cause

cause to be posted up in some conspicuous part of the steamboat for the information of the public.

7. Any Inspector may, whenever he deems it necessary so to do, and some one of them shall at least once in every year, subject the boiler of every steamboat to a test by hydrostatic pressure, the limit of which shall in no case exceed one hundred and fifty pounds to the square inch, and shall satisfy himself by examination and experimental trials, that such boiler is well made, of good and suitable material: and the owner of the steamboat shall provide the necessary pump and apparatus for such test, to be worked by the crew of the steamboat; and no Inspector shall make or deliver to the owner or master of any steamboat, any such duplicate certificate as is mentioned in the next foregoing section of this Act, without having first subjected the boiler of such steamboat to such test by hydrostatic pressure:

Boiler to be tested by hydrostatic pressure.

Otherwise no certificate.

2. In subjecting boilers to the hydrostatic test aforesaid, the Inspectors shall assume one hundred pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of the best refined iron, at least one quarter of an inch thick, in the best manner and of the quality herein required—and shall rate the working pressure of all boilers, whether of greater or less diameter, according to this standard; and in all cases the test applied shall exceed the working pressure allowed, in the ratio of one hundred and fifty pounds to one hundred, using the water in such tests at a temperature not exceeding sixty degrees Fahrenheit;

Rules to be observed in applying such test.

Proportion of test pressure, to working pressure.

3. But if any such Inspector is of opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at less than two thirds of the test pressure;

Exceptions allowed.

4. And these rules shall be observed in all cases, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that their application would be unjust, in which case the Inspector may depart from these rules, if it can be done with safety; but in no case shall the working pressure allowed exceed the proportion hereinbefore mentioned, as compared with the hydrostatic test;

Further exceptions.

Maximum proportion.

5. And no valve, under any circumstances, shall at any time be so loaded, or so managed in any way, as to subject a boiler to a greater pressure than that allowed by the Inspector at the then last inspection thereof; and no boiler or pipe shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or any other cause;

Valves not to be loaded beyond pressure last allowed by Inspector.

6.

Maker's name to be stamped on boiler plate.

6. And no boiler made after the passing of this Act, shall be made of boiler plate which has not been stamped or marked with the name of the maker thereof, nor shall a certificate be granted with respect to any boiler made wholly or in part of plate not so marked.

INFORMATION TO BE GIVEN TO INSPECTORS.

Pertinent questions of Inspector to be answered.

8. Any Inspector may at all times, when inspecting, visiting or examining the hull or the boiler and machinery of any steamboat, ask of any or all of the owners, officers or engineers of such steamboat, or other person on board thereof and in charge or appearing to be in charge of the same, or of the boiler or machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit; and every such person shall fully and truly answer every such question so put to him respectively, to the best of his knowledge and ability; and every person refusing to answer, or falsely answering such question or preventing any such inspection, or obstructing any Inspector in the same, shall, by so acting, incur a penalty of forty dollars.

Penalty for refusing, &c.

Inspectors to be carried free of expense.

9. Any Inspector shall be carried free of expense on any steamboat which he shall desire to inspect while under way, and during such period as may be necessary for such inspection, and for his return to the port at which he embarked on such steamboat for such purpose, or for his disembarkation at any port at which such steamboat touches on her voyage.

Master, &c., to report to Inspector in certain cases.

10. The master, owner or engineer of every steamboat, or the person in charge thereof, shall at the earliest opportunity after the occurrence of any event whereby the same, or the machinery, or boiler thereof, or any part of any or either of the same, is in any material degree injured, strained, or weakened, report such occurrence to the Inspector by whom the said steamboat was last inspected, or to the Inspector of the port or place where the steamboat is, or first arrives after such event occurs; and in case of omission to give such notice the owner of the steamboat shall forfeit to Her Majesty two hundred dollars for every day during which such omission continues, and if the injury be to the machinery or boiler or any part of the same, the license of the engineer shall be revoked.

Penalty in case of default.

PRECAUTIONS AGAINST EXPLOSIONS, ETC.

A steam-gauge, to be open to view of passengers.

11. In a conspicuous and easily accessible place, in every steamboat, there shall be a steam gauge properly constructed and open to the view of all passengers and others on board such steamboat, and shewing at all times the true pressure of the steam in the boiler thereof:

Pressure to be reduced

2. And whenever any steamboat is stopped for any purpose, the master or person in charge of such steamboat shall open the safety

safety valve, so as to keep the steam in the boiler down to ten pounds below the pressure limitedby the Inspector's certificate if the engine be a high pressure engine, and to five pounds below the pressure limited as aforesaid if the engine be a low pressure engine, under the penalty of two hundred dollars for every contravention of this provision;

when steamboat stops.

3. And if any master or engineer of any steamboat at any time allows the pressure of steam to which the boiler of such steamboat is subjected, to exceed that limited as aforesaid, or alters or conceals or otherwise deals with the said steam-gauge, so as to prevent the real pressure of steam from being seen and ascertained by any passenger, he shall thereby incur a like penalty of two hundred dollars for every such offence.

Penalty for allowing pressure to exceed limits or tampering with steam-gauge.

12. The steam-gauge required by this Act to be open to the view of all passengers and others on board any steamboat, shall be put in such places and positions, and be of such construction as the Inspector inspecting, visiting or examining such steamboat, shall from time to time direct.

Construction and position of gauge to be approved by Inspector.

13. Each boiler of every steamboat shall be provided with a suitable water-gauge, capable of showing the water level within each boiler at all times: And all steamboats navigating in brackish or salt water, shall be provided with surface blow-off valves, such as are commonly used on board sea-going steamboats.

Water-gauges.

Blow-off valve in salt water.

14. Every Inspector, when inspecting, visiting or examining the boiler or machinery of any steamboat, shall satisfy himself that the safety-valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good working order, and only loaded so as to open at or below the certified working pressure; and he may, if he thinks proper, order and cause one of such safety valves, of sufficient dimensions to discharge all the steam the boiler can generate, and of such construction as he approves, to be locked up and taken wholly away from the control of all persons engaged in navigating such steamboat, and placed under his own sole control.

Safety valves to be examined by Inspector.

He may assume exclusive control of one.

15. Every steamboat carrying passengers and having a condensing engine, shall be provided with a bilge injection valve and pipe of suitable dimensions, leading from the floor frames of the steamboat into the condenser of the engine.

Certain steamboats to have bilge injection valves and pipes.

BOATS TO BE CARRIED BY STEAMERS.

16. No steamboat of the registered tonnage of one hundred tons or upwards shall depart by sea from any port or place within the Dominion of Canada, or depart from any port or place, on either of the Lakes Memphremagog, Ontario, Erie, Huron, Simcoe or Superior, or on the River St. Lawrence, or on

Passenger steamboats to carry a life boat.

on the River Ottawa, with passengers, without having on board or attached to such steamboat one good and sufficient life boat made of metal, fire-proof, with air-tight metallic compartments at the ends and sides, according to the directions of the Inspector, capable of sustaining inside and outside fifty persons, with life-lines attached to the gunwale at suitable distances:

No steamboat to leave port without having a proper boat or boats.

2. No steamboat of any registered tonnage whatever shall depart by sea from any port or place in the Dominion of Canada, or depart from any port or place on either of the Lakes Memphremagog, Ontario, Erie, Huron, Simcoe or Superior, or on the River Saint Lawrence, or on the River Ottawa, with passengers, without having on board or attached to such steamboat, a good, suitable and sufficient boat, or good, suitable and sufficient boats in good condition and properly equipped; every such boat to be provided with not less than six oars, and other necessary tackle, and to be of sufficient capacity to carry not less than twelve adult persons, exclusive of the crew of such boat, and to be of not less than seventeen feet length of keel; and the number of such boats to be in the following proportion to the registered tonnage of such steamboat, that is to say:

Number of boats in proportion to tonnage.

For every steamboat of the registered tonnage of less than fifty tons, one such boat;

For every steamboat of the registered tonnage of fifty tons and upwards, but less than one hundred tons, not less than two such boats;

For every steamboat of the registered tonnage of one hundred tons and upwards but less than three hundred tons, not less than two such boats in addition to the life boat above required;

For every steamboat of the registered tonnage of three hundred tons and upwards, not less than three such boats in addition to the life boat above required.

PRECAUTIONS AGAINST FIRE.

One life preserver for every passenger, and at least certain numbers, in proportion to tonnage, in all cases to be carried.

17. Every sea-going steamboat and every steamboat on any of the lakes or rivers specified in the next preceding section, or navigating any bay or bays or arm or arms of the sea in connection with the Dominion employed in the carriage of passengers, shall be provided with and shall carry on board on every voyage at least one life preserver for each and every passenger; Provided always, that each and every such steamboat of the registered tonnage of two hundred tons and upwards, shall be provided with not less than two hundred life preservers, and each and every such steamboat of the registered

registered tonnage of less than two hundred tons shall be provided with not less than three life preservers for every five tons register, and each steamboat carrying passengers on rivers or inland navigation, except on the lakes and rivers specified in the next preceding section, of the registered tonnage of two hundred tons and upwards, shall be provided with not less than one hundred life preservers, and each such steamboat as last aforesaid, of less than two hundred tons register with not less than fifty life preservers; and all such life preservers shall be made of the size and material approved of by the Inspector, and shall be fitted with shoulder straps and fastenings, suitable for securing the same round the body, under the arms, and each such preserver shall have a buoyancy of sixteen pounds, and shall at all times be kept in convenient and accessible places in such steamboat, and in readiness for the use of passengers; and no steamboat shall proceed to sea or on any voyage without being fully provided in compliance with the requirements of this section.

Life preservers to be approved by the Inspector.

18. Every steamboat employed in the carriage of passengers, whether in sea, bay, lake or river navigation, shall be provided with and have on board, in some convenient place, not less than twenty-five sufficient fire buckets of metal or leather, five axes, and six good and sufficient lanterns approved of by the Inspector.

Also fire-buckets and axes.

19. Every steamboat employed in the carriage of passengers which shall be used in the navigation of rivers, or inland navigation only, except as specified in section sixteen of this Act shall carry not less than two good boats, provided with four oars each, and of sufficient capacity to carry not less than twelve persons with safety, besides the crew, except steamboats confined to the navigation of the River St. John, above Fredericton, which shall carry one good boat of the like size, and provided as aforesaid, and except also steamboats of less than fifty tons burthen, which shall carry one good boat of the size and description, and provided in the manner approved of in each case by the Inspector.

Boats to be carried by steamers; other than those mentioned in section sixteen.

20. Suitable and safe provision shall be made throughout to guard against danger from fire; and no combustible material liable to take fire from heated iron, or any other heat generated on board of steamboats in and about the boilers, pipes or machinery, shall be placed at less than six inches distant from such heated metal or other substance likely to cause ignition; and further, when wood is so exposed to ignition, it shall, as an additional preventative, be shielded by some incombustible material, in such manner as to allow the air to circulate freely between such material and the wood; and metallic vessels or safes shall be provided and kept in some convenient place to receive cotton-waste, hemp and other inflammable substances, which are in use on board;

Precautions against fire by isolation &c. of combustible materials.

2.

Deviations to be allowed by Inspectors.

2. Provided, however, that when the structure of the steamboat is such, or the arrangements of the boiler or machinery is such, that the requirements aforesaid, cannot, without serious inconvenience or sacrifice, be complied with, Inspectors may allow deviations from the said requirements, if in their judgment it can be done with safety.

Passenger steamers to have pumps and hose for putting out fires.

21. Every steamboat carrying passengers shall have at least three double acting forcing pumps, with chamber at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed independent of and not worked by the main engine, otherwise all three by hand, one whereof shall be placed near the stern, one near the stem, and one amidships, each having a suitable well-fitted hose, of at least two-thirds the length of the steamboat, kept at all times in perfect order and ready for immediate use ; and each of the said pumps shall be supplied with water by a pipe connected therewith, and passing through the side of the steamboat, so low as to be at all times in the water when the steamboat is afloat :

Proviso: as to steamers below a certain size.

2. Provided, that in steamboats not exceeding two hundred tons measurement, engine-room included, two of such pumps (one of which may be the steam-pump) may be dispensed with, and in steamboats of over two hundred tons, but not exceeding five hundred tons measurement, engine-room included, one of such hand-pumps may be dispensed with, but in these cases the hose shall be of such length as to reach easily to every part of the steamboat.

Steam pony pump.

22. Every steamboat of more than sixty tons registered tonnage, shall also be provided with a steam pony pump, that may be used as a fire engine, to be worked independent of the main engine.

Means of escape from lower to upper deck.

23. Every steamboat carrying passengers on the main or lower deck, shall be provided with sufficient means convenient to such passengers for their escape to the upper deck, in case of fire or other accident endangering life.

Copy of Act and particulars of provisions for safety to be posted in view.

24. And on board every steamboat there shall be placed, in some conspicuous place, accessible to all the passengers, a copy of this Act and a printed paper shewing the number of pumps and boats with their capacity, and also the number of fire buckets, axes and life-preservers on board of such steamboat, and a statement of the places where such buckets, axes and life-preservers are kept.

ENGINEERS.

Examination and annual certificate of Engineer.

25. Any person claiming to be qualified to perform the duties of an Engineer in steamboats, shall apply for a certificate to the Board of Inspectors, who shall examine, or shall cause

cause an Inspector or Inspectors to examine and report upon the applicant and the proofs that he produces in support of his claim; and any such examination may be upon oath, which any Inspector may administer; and if upon full consideration the Board of Inspectors are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer are all such as to authorize the belief that the applicant is a suitable and safe person to be intrusted with the powers and duties of such a station, the said Board of Inspectors shall give him a certificate to that effect for one year, under the hand and seal of the Chairman, and the said certificate, subject to the above conditions, shall be renewed yearly, or oftener if applied for; and for every such certificate the applicant shall pay the sum of five dollars, and for every renewal one dollar, which shall go to the Steamboat Inspection Fund hereinafter mentioned; *Fee for certificate.*

2. But the license of any such Engineer may be revoked by the said Board upon proof of negligence, unskilfulness or drunkenness, or upon the finding of a Coroner's Inquest, and may also be revoked by the Board for any other cause; provided such other cause be deemed sufficient by the Minister of Marine and Fisheries, and certified as such by him. *License may be revoked for cause.*

26. And such Engineers as may be appointed shall be classified according to the following grades: *Classification of Engineers.*

1st Class Engineers,
2nd Class Engineers,
3rd Class Engineers,
1st Class Assistant Engineers,
2nd Class Assistant Engineers,
3rd Class Assistant Engineers.

A first class Engineer to be qualified to take charge of any steamboat.

A second class Engineer to be qualified to take charge of any steamboat, except a sea-going steamboat of more than three hundred tons burthen.

A third class Engineer to be qualified to take charge of any passenger steamboat of less than one hundred tons burthen, except on any of the Lakes Memphremagog, Ontario, Erie, Huron, Simcoe or Superior, or of any freight steamboat or tug steamboat.

A first class Assistant Engineer to be qualified to take charge of any small passenger steamboat or tug of less than fifty tons burthen, except on any of the Lakes above named.

And any Inspector duly appointed under this Act shall have power with the consent of the Chairman to grant to any person claiming *Temporary certificate of*

qualification as engineer. claiming to be qualified to perform the duties of an engineer in steamboats, a temporary certificate of his qualification, according to the grade to which he may consider him entitled after examination of the applicant, on oath, administered by the Inspector; and such certificate shall have all the force and effect of a certificate of a similar grade, granted by the Board of Inspectors, for a period not exceeding sixty days from the day on which it was granted, and such Inspector shall immediately after granting such certificate forward a copy of it to the Chairman of the Board of Inspectors, along with a report on the qualification of the applicant; and for every such certificate so granted the applicant shall pay the sum of one dollar, which shall go to the Steamboat Inspection Fund hereinafter mentioned.

Effect of such certificate.

None but licensed Engineers to be employed.

27. It shall not be lawful for any person to employ another as engineer, or for any person to serve as engineer, on any steamboat unless the person serving or employed as engineer is licensed by the said Board, except as hereinafter provided, and any one so offending shall incur a penalty of two hundred dollars; provided, however, that if a steamboat leaves a port with a complement of engineers, and on her voyage is deprived of their services or the services of any of them without the consent, fault or collusion of the master, owner or any one interested in the steamboat, the deficiency may be temporarily supplied until others licensed can be obtained.

Proviso: for emergencies.

Commencement of three last sections.

28. The three next preceding sections shall not come into force until the first day of January, one thousand eight hundred and sixty-nine.

Limitation of application of sections 16, 17, 18 and 19.

29. Sections sixteen, seventeen, eighteen and nineteen of this Act shall not apply to ferry boats or tug boats plying elsewhere than on the River St. Lawrence.

MISCELLANEOUS PROVISIONS—DUTY, PENALTIES, &C.,—INTERPRETATION.

Inspectors may examine steamers at any time.

30. Every Inspector may at any time visit, within the limits assigned to him, any steamboat, and inspect and examine the same, and if he considers such steamboat unsafe or unfit to carry passengers, he shall report thereon to the Governor in Council, who may, by Order in Council, direct that such steamboat shall not be used or run until permitted so to do by the Inspector who shall have made such report, or by Order of the Governor in Council; and any steamboat run or used in contravention of any such Order in Council, shall be liable to forfeiture and to seizure by the Collector of Customs at any port, and to sale, in the same way as goods liable to forfeiture for non-payment of duties.

Those reported unsafe may be stopped.

Penalty for running them.

31. The Governor in Council may, by an Order or Orders in Council, from time to time prescribe and regulate the number of cabin or steerage or other passengers, that may be carried by any steamboat or class of steamboats in the Dominion of Canada, either in proportion to the dimensions or tonnage thereof, or both, or otherwise howsoever; But no such Order in Council shall take effect until after it has been published at least twice, at an interval of at least six days between each publication, in the *Canada Gazette*.

Governor may regulate number of passengers.

Order in Council to be in force after two publications.

32. The owner or master of every steamboat in the Dominion of Canada shall pay, yearly and every year, a rate or duty fixed by the Governor in Council, and not exceeding ten cents for every ton which such steamboat measures, and the owner or master of every propeller, freight or tug steamer, and of every ferry steamer not exceeding one hundred tons burthen, shall also pay an inspection fee of five dollars, and the owner or master of every ferry or passenger steamboat over one hundred tons burthen, shall also pay an inspection fee of eight dollars, for each inspection made imperative by this Act:

Duty on steamboats may be imposed by Governor in Council.

Inspection fees.

2. And for the purposes of this section, every ton of the gross tonnage of a steamboat shall be reckoned, and no allowance or deduction shall be made for the space occupied by the propelling power;

Tonnage, how to be reckoned.

3. And the amount of such rate or duty and inspection fee or fees, shall in each case be paid to and received by the Collector of Customs, in some one of the ports in the Dominion of Canada, who shall account for and pay over the same to the Receiver General, at such times and in such manner as the Governor in Council may from time to time direct; and such sums, so from time to time collected and paid over, shall form a special fund for the purposes of this Act, to be called "The Steamboat Inspection Fund."

To be paid over, and form an Inspection Fund.

33. Every Collector of Customs shall from time to time demand of the owner or master of every steamboat, which he may have reason to think has not been inspected as required by this Act, or in respect of which he may have reason to think the rate or duty aforesaid is due and unpaid, the exhibition of the receipt and certificate in that behalf, appertaining to such steamboat; and if such receipt and certificate as aforesaid, to his satisfaction are not produced within a reasonable time, then such Collector shall seize and detain such steamboat until the same are produced and exhibited, and any penalty incurred and lawfully imposed in respect of such steamboat, under the provisions of this Act, has been paid in full; and in default of payment such Collector shall sell such steamboat for the payment of such rate or duty or penalties, in the usual manner as if they were incurred for violation of the Customs Laws.

Collector may seize steamer on which duty has not been paid.

Sale in default of payment.

34.

If the duty be not paid, Inspector to withhold certificate, and make report.

34. No Inspector shall make or deliver a certificate respecting any steamboat under this Act, unless the receipt of a Collector of Customs for the rate or duty, payable in respect of such steamboat for the then current year, has been produced and shewn to him, nor unless he is satisfied by careful examination, that all the conditions and requirements of this Act have been fulfilled and complied with, by and in respect of such steamboat; and every Inspector shall report to some one of the Collectors of Customs any case of omission to pay such rate or duty, or of omission to apply for such inspection as aforesaid, for more than one year from the date of the then last inspection, or of refusal to submit to inspection at any time, which at any time or in any way comes to his knowledge.

Appeal by Engineer from Inspector to Governor in Council.

35. Any Engineer who feels himself aggrieved by any order or act of an Inspector, may within two weeks thereafter appeal therefrom to the Board of Steamboat Inspection, who may confirm, modify or disallow such order or act; and any other person who feels himself aggrieved by any order or act of an Inspector may, within two weeks thereafter, appeal therefrom to the Governor in Council, who may confirm, modify or disallow such act or order.

In case of damage from non-observance of this Act, wilful default to be presumed.

36. If any damage to any person or property is sustained in consequence of the non-observance of any of the provisions of this Act, the same shall be deemed, in the absence of proof to the contrary, to have been caused by the wilful default of the master or other person having charge of the steamboat, in respect of which such non-observance has occurred or by which such damage is done, and the owner of such steamboat, in all civil proceedings, and the master or other person having charge thereof, in all proceedings, whether civil or criminal, shall be subject to the legal consequences of such default.

Penalty for contravention of this Act.

37. For every contravention in respect of any steamboat in the Dominion of Canada, on any one voyage or trip thereof, of any provision in this Act, or in any Order in Council made under it, the owner or master thereof shall incur a penalty of not more than two hundred and not less than forty dollars:

Inspector may detain steamer.

And Inspectors of steamboats, duly appointed under this Act, are hereby empowered to detain any steamboat on board of which the provisions of this Act have not been fully complied with;

Collector not to grant clearance.

and in case any such Inspector gives notice in writing to any Collector of the Customs that any of the provisions of this Act have not been fully complied with in respect to any steamboat, such Collector shall not grant any clearance for such steamboat, unless nor until he receives the certificate in writing of such Inspector, to the effect that such provisions have been fully complied with in respect to such steamboat.

Recovery and application of penalties.

38. All penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector or by any party aggrieved

aggrieved by any act, neglect or omission, on the evidence of one credible witness, who may be the prosecuting Inspector himself, before any Stipendiary Magistrate, or two Justices of the Peace, and in default of payment of such penalty, such Stipendiary Magistrate or Justices may commit the offender to gaol for any period not exceeding three months; and all penalties recovered under this Act shall be paid to the Receiver General, and shall be by him placed to the credit of and form part of "The Steamboat Inspection Fund." :

39. The Chairman of the Board of Steamboat Inspection, shall, once a year, furnish the Minister of Marine and Fisheries with a Report of the proceedings of the Board, and a return of all steamboats inspected, and of all penalties collected under the provisions of this Act : Annual Report to be made by Board.

2. And each Inspector shall make montly returns to the Chairman of all steamboats inspected by him, their tonnage and power, and general descriptions of their machinery and hulls, and of the fees collected by him upon the same. Inspectors to make monthly returns.

40. It shall be lawful for the Board of Steamboat Inspection from time to time, by regulations to be framed and approved, and to come into force as provided by the third section of this Act, to require that all or any description of steamboats above sixty tons register tonnage carrying passengers on the sea coasts of this Dominion or on all or any of the waters of this Dominion, with the exception of that portion of the St. Lawrence between Quebec and Kingston, and of the river connecting Lakes Erie and Huron, and of waters between Kingston and the Head of the Bay of Quinte, and the Rivers in the Provinces of Nova Scotia and New Brunswick, and the tributary rivers flowing into the River Saint Lawrence or the Lakes west of Quebec, at all or any seasons of the year, shall be provided with a mast or masts, and sail or sails, suitable for such steamboats, and to prescribe the dimensions of such mast or masts, and sail or sails respectively. Board may require steamers in certain waters to have masts and sails.

41. This Act shall not apply to steamboats belonging to Her Majesty the Queen, nor to steamboats registered in Great Britain or Ireland, or in any foreign country, and plying between any port or place in the Dominion of Canada and any port or place outside of the Dominion of Canada. Exempting of certain steamers from operation of Act.

42. The Governor in Council may direct that any Steamboat not registered in the Dominion of Canada, but employed in the Dominion of Canada in carrying mails, passengers or troops, shall be subject to the provisions of this Act. Governor may subject certain steamers to operation of Act.

43. Every steamboat or vessel carrying passengers shall be provided with good and sufficient gang-boards and with substantial hand-rails; and the master of such steamboat or vessel shall, Passenger steamers, &c., to be provided with gang-

boards, and at night with lights. shall, on stopping at any wharf or landing place, cause a gang-board to be firmly secured to the vessel and wharf or landing place, for the safe and convenient transit of passengers; and he shall cause to be affixed to the gang-way (in the night time) good and sufficient lights.

Owners of Wharfs to exhibit lights at night.

44. The owner or occupier of every such wharf or landing-place, shall also (in the night time) cause to be shown conspicuously, on such wharf or landing place, and at every angle or turn thereof, during the whole of the time that any steamboat or vessel is approaching the same or stopping thereat, a good and sufficient light.

What shall be deemed "night."

45. For the purposes of the two next preceding sections of this Act, the night shall be deemed to extend from one hour after sunset, till one hour before sunrise, at all seasons of the year.

Penalty for contravention of section 43.

46. Any person commanding or having charge of any steamboat, schooner or other vessel navigating the waters of Canada, and every owner or occupier of a wharf or landing place, who offends against the forty-third or forty-fourth section of this Act, shall be liable to a penalty of twenty dollars and costs, to be recovered on conviction before any two Justices of the Peace, upon the oath of one credible witness.

Commitment in default of payment of penalty and costs.

47. In default of payment of the penalty and the costs of and incident to the conviction, the Justices, or one of them, shall commit the offender to the Gaol of the County or District in which the conviction is had, for a period of not more than thirty days, unless such penalty and costs are sooner paid.

Liability for damage in case of non-compliance with provisions of section 43 or 44.

48. The owner and owners of all steamboats and other vessels, or the owner or occupier of any wharf or landing place, the persons commanding or in charge of which neglect to comply with the provisions of the forty-third or forty-fourth section of this Act, shall be liable for all damages sustained by any person or persons from any accident arising from the non-compliance with the provisions of this Act or during such time as the provisions of this Act are not complied with,—such damages to be recoverable at law, before any of Her Majesty's Superior Courts of Common Law in the Province in which such accident happens.

INTERPRETATION OF WORDS IN THIS ACT.

"Steamboat." "Owner." "Boiler." "Year."

49. In this Act the word "Steamboat" means any vessel used in navigation, propelled wholly or in part by Steam; and the word "Owner" includes the Lessee or Charterer of any such vessel; the word "Boiler" is to be construed as a Boiler or Boilers, in the case of a steamboat having more than one; and the word "Year" means the Calendar year, commencing on

on the first day of January, and ending on the thirty-first day of December.

50. The Act "*Respecting the Inspection of Steamboats, and for the greater safety of Passengers by them,*" forming the forty-fifth chapter of the Consolidated Statutes of the late Province of Canada, and the Acts of the Legislature of the said late Province twenty-third Victoria, chapter twenty-eight and twenty-seventh and twenty-eighth Victoria, chapter fifteen, amending the same, chapter seventy-seven "*Of Steam Navigation*" of the Revised Statutes of the Province of Nova Scotia, (third series), and the Act of the Legislature of the Province of New Brunswick, passed in the twenty-eighth year of Her Majesty's Reign, chapter four, intituled "*An Act relating to Steam Navigation in this Province,*" and every enactment or provision in any other Act or Law in force before the coming into force of this Act, inconsistent with this Act, or making any provision for any matter provided for by this Act other than such as is hereby made, are hereby repealed.

Con. Stat. Can., c. 45. Acts of Canada, 23 V. c. 28; 27, 28 V. c. 15; R. S. N. S., c. 77, and Act of N. B., 28 V. c. 4, repealed.

SCHEDULE.

Having examined the Steamboat (*name*) of whereof are owners, and is master, on this day of A. D. 18 .

I, (*Inspector's name*) do certify that she is in all respects staunch, seaworthy, and in good condition for navigation; that her engine, machinery, pumps and boilers are sufficient and suitable to be employed in the carriage of passengers without hazard to life, on the route for which she is to be placed, and that the boilers of the said steamer can carry with safety from to pounds (*here insert number of pounds*) per square inch, and no more: and I further certify that the equipment of the vessel throughout, including boats, life-boats, life-preservers, lights, and other things, is in conformity with the provisions of the law: and I declare it to be my deliberate conviction, founded on the inspection I have made, that the said steamboat may be employed on the waters hereinafter specified, without peril to life from any imperfections, or from materials, workmanship, or arrangements of the several parts, or from age or use. And I further certify that the said vessel is to run on the following waters (*here insert the waters, &c.*)

CAP. LXVI.

An Act respecting Aliens and Naturalization.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS the laws in force in the Provinces of Ontario and Quebec, in the Province of Nova Scotia, and in the Province of New Brunswick, providing for the naturalization of Aliens are various, and are local and limited in their effects; and whereas it is expedient that one uniform provision should be made for Canada with respect to the naturalization of Aliens, saving always the rights, titles and claims of all persons, according to the laws of each Province, at the time of the passing of this Act; and whereas it is also expedient to provide that the benefits heretofore obtained by any person by naturalization in any part of Canada shall henceforth extend to and be available for such person in every other part of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

LOCALLY NATURALIZED SUBJECTS OF HER MAJESTY.

Provincial naturalization extended to the Dominion.

1. Each and every person who, being by birth an Alien, had, on or before the passing of this Act, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of Naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act.

NATURALIZATION OF ALIENS.

Alien-born woman naturalized by marriage with subject.

2. Every Alien-born woman married to a natural-born British subject, or person naturalized under the authority of this Act or of any law either of the Province of Nova Scotia, or of the Province of New Brunswick, or of the late Province of Canada, or of the late Province of Upper Canada, or of the late Province of Lower Canada, shall be deemed to be herself naturalized, and shall have all the rights and privileges of a natural-born British subject.

Other aliens may become naturalized by residence, &c.

3. Every Alien (not being a woman married to a natural-born or naturalized British subject) now residing in, or who shall hereafter come to reside in any part of this Dominion, with intent to settle therein, and who after a continued residence therein for a period of three years or upwards, has taken the oaths or affirmations of residence and allegiance, and procured the same to be filed of record as hereinafter prescribed, so as to entitle him or her to a Certificate of Naturalization as hereinafter provided, shall thenceforth enjoy and may transmit all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

4.

4. Every such Alien (not being a woman married to a natural-born or naturalized British subject) in order to become entitled to the benefit of this Act, shall take and subscribe the following Oath of Residence, or being one of those persons who are allowed by the Laws of the Province in which he or she then is, to affirm in judicial cases, shall make affirmation to the same effect, that is to say: Oath of residence to be taken for that purpose.

Oath of Residence.

"I, A. B., do swear (*or, being one of the persons allowed by* "*Law to affirm in judicial cases,* do affirm) that I have resided "three years in this Dominion, with intent to settle therein, "without having been during that time a stated resident in any "foreign country. So help me God." Form.

2. And every such Alien, in order to become entitled to the benefit of this Act, shall also take and subscribe the following Oath of Allegiance, (or being one of those persons who are allowed, by the Laws of the Province in which he or she then is, to affirm in judicial cases, shall make affirmation to the same effect,) that is to say: And also oath of allegiance.

Oath of Allegiance.

"I, A. B., do sincerely promise and swear (*or, being one of* "*the persons allowed by Law to affirm in judicial cases,* do affirm) "that I will be faithful and bear true allegiance to Her Majesty "Queen Victoria, as lawful Sovereign of the United Kingdom "of Great Britain and Ireland, and of the Dominion of Canada, "dependent on and belonging to the said United Kingdom, "and that I will defend Her to the utmost of my power "against all traitorous conspiracies and attempts whatever "which shall be made against Her Person, Crown and Dignity; "and that I will do my utmost endeavour to disclose and "make known to Her Majesty, Her Heirs and Successors, all "treasons and traitorous conspiracies and attempts which I shall "know to be against Her or any of them; and all this I do "swear without any equivocation, mental evasion, or secret "reservation. So help me God." Form.

3. And every such oath or affirmation shall be taken and subscribed by such Alien, and may be administered to him or her by any Judge of any Court of Record in that Province of Canada in which such Alien resides, or by any person authorized to administer oaths in any of the Courts hereinafter mentioned, or by any Commissioner to be appointed by the Governor for that purpose, or by any Justice of the Peace of the County or District within which such Alien resides; which said Judge, Commissioner, or Justice of the Peace, on being satisfied by evidence produced by such Alien, that he or she has been a resident of Canada, for a continuous period of three years or upwards, Before whom oath or affirmation shall be taken. Certificate to be granted;

What it shall state. upwards, and is a person of good character, shall grant to such Alien a Certificate, setting forth that such Alien has taken and subscribed the said oath or affirmation, and that such Judge, Commissioner or Justice of the Peace, has reason to believe that such Alien has been so resident within Canada for a period of three years or upwards, that he or she is a person of good character, and that there exists to the knowledge of such Judge, Commissioner or Justice of the Peace, no reason why such Alien should not be granted all the rights and capacities of a Natural-born British Subject.

Certificate to be presented and read in court, and afterwards filed of record. **5.** Such Certificate shall be presented to the Court of Quarter Sessions of the Peace, or the Recorder's Court of the County or City within the jurisdiction of which the Alien resides in Ontario, or to the Circuit Court in and for the Circuit within which he or she resides in Quebec, or to the Supreme Court if he or she resides in Nova Scotia, or to the Supreme Court of Judicature of New Brunswick, or County Court of the County in which he or she resides, if he or she resides in New Brunswick, in open Court, on the first day of some general sitting of such Court, and thereupon such Court shall cause the same to be openly read in Court; And if during such general sitting the facts mentioned in such Certificate are not controverted, or any other valid objection made to the Naturalization of such Alien, such Court, on the last day of such general sitting, shall direct that such Certificate be filed of record in the said Court, and thereupon such Alien shall be thereby admitted and confirmed in all the rights and privileges of British birth, to all intents whatever, as if he or she had been born within Canada.

Effect of such filing, if no objection be made.

Certificate of naturalization to be granted under seal of Court. **6.** Every such person shall be then entitled to receive a Certificate of Naturalization under the seal of such Court, and the signature of the Clerk thereof, that he or she hath complied with the several requirements of this Act; which Certificate of Naturalization may be in the following form, or to the like effect, that is to say :

Dominion of Canada,
Province of
Circuit, (*or* County *or* City) of
to wit :

In the Court of

Form of such certificate. Whereas A. B., of, &c. (*describing him or her as formerly of such a place, in such a Foreign Country, and now of such a place in Canada, and adding his or her addition*), hath complied with the several requirements of the *Act respecting Aliens and Naturalization*, and the certificate thereof has been read in open Court, and thereupon, by order of the said Court, duly filed of record in the same, pursuant to the said Act; These are therefore

to

to certify to all whom it may concern, that under and by virtue of the said Act, the said A. B. hath obtained all the rights and capacities of a Natural-born British Subject, to have, hold, possess and enjoy the same upon, from, and after the day of , (*the day of filing the Certificate of Residence*), in the year of our Lord, one thousand eight hundred and ; and this Certificate thereof is hereby granted to the said A. B., according to the form of the said law.

Given under my Hand and the Seal of the said Court, this day of , in the year of our Lord, one thousand eight hundred and

(*Signature,*) C. D.
Clerk of the Peace,
(*or* Clerk of the Recorder's Court, *or* Clerk of the Circuit Court, *or* Clerk of the Supreme Court, *as the case may be.*)

7. A copy of such Certificate of Naturalization may, at the option of the party, be registered in the Registry Office of any County or District or Registration Division within Canada, and a certified copy of such Registry shall be sufficient evidence of such Naturalization in all Courts and places whatsoever. Copy of certificate may be registered.

8. Any Alien entitled, at the time of the passing of this Act, to be naturalized under the provisions of any of the Acts mentioned in the twelfth and fourteenth sections of this Act, may take the oaths or affirmations of Residence and of Allegiance, and obtain Certificates as aforesaid, in the same manner as Aliens entitled to be naturalized under the provisions of the third section of this Act, and with the same effect, to all intents and purposes: Aliens entitled to be naturalized under former Acts may take oaths and obtain certificates under this Act.

2. Notwithstanding anything in this Act, all Aliens now resident within the Province of Nova Scotia, and entitled to be naturalized by virtue of the thirty-fourth Chapter of the Revised Statutes of Nova Scotia, shall hereafter, on fulfilling the requirements of the said last mentioned Chapter, be entitled to all the privileges by this Act conferred on persons naturalized under this Act. As to aliens entitled to naturalization under Cap. 34, of Rev. Stat. N. S.

9. The Clerk of the Peace or Clerk of the Recorder's Court, or Clerk of the Circuit Court, or Clerk of the Supreme Court, shall, for reading and filing the Certificate of Residence, and preparing and issuing the Certificate of Naturalization under the Seal of the Court, be entitled to receive from such person the sum of twenty-five cents, and no more;—And the Registrar shall, for recording the said last mentioned Certificate, be entitled to receive from such person, the sum of fifty cents, and a further sum of twenty-five cents for every search and certified copy of the same, and no more. Fees to be taken under this Act.

10.

Privileges of naturalization under this Act to be subject to provisions of the Imperial Act, 10, 11, V, c. 83.

10. The privileges of Naturalization imparted by this Act to the several classes of persons herein mentioned, are imparted to such persons respectively on the terms and conditions herein set forth, and are to be by such persons exercised and enjoyed, according to the true intent and meaning of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: *An Act for the Naturalization of Aliens.*

Act of U. C. 54 G. 3, c. 9, not affected.

11. Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of Upper Canada, passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, intituled: *An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty*, or any proceedings had under the said Act.

This Act not to affect 4 & 5 V. c. 7, or sections 1, 2 or 3 of 12 V. c. 197, or any rights acquired under the same.

12. Nor shall any thing in this Act contained repeal or in any manner affect the Act passed in the session held in the fourth and fifth years of Her Majesty's reign, chapter seven, intituled: *An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects*, or the first, second or third section of the Act passed in the twelfth year of Her Majesty's reign, chapter one hundred and ninety-seven, intituled: *An Act to repeal a certain Act therein mentioned, and to make better provision for the Naturalization of Aliens*,—or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.

PENALTY FOR FALSE SWEARING.

Penalty on persons swearing or affirming falsely.

13. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by Law, forfeit all the privileges or advantages which he or she would otherwise, by making such oath or affirmation, have been entitled to under this Act, but the rights of others in respect to estates derived from or held under him or her, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created.

Con. Stat. Can. c. 8, except sec. 9:—chapter 34 of R. S. N. S. except sections 1, 2 and 3: acts of N. B.

14. The following Acts are hereby repealed, that is to say: The Act *respecting the Naturalization of Aliens*, forming the eighth chapter of the Consolidated Statutes of Canada, save and except the ninth section thereof, the thirty-fourth chapter of the Revised Statutes of Nova Scotia, third series, *Of the privileges and Naturalization of Aliens*, save and except the first, second

second and third sections thereof; the Act of the Legislature of New Brunswick, passed in the twenty-fourth year of Her Majesty's reign, chapter fifty-four, intituled: *An Act relating to the Naturalization of Aliens*; and the Act of the same Legislature passed in the twenty-eighth year of Her Majesty's reign, chapter five, intituled: *An Act to amend the Act relating to the Naturalization of Aliens*; but nothing in this section contained shall impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person, or by any other party, by virtue of such naturalization, all which shall remain valid, and be possessed and enjoyed by such person or party respectively.

24 V. c. 54, and 28 V. c. 5, repealed.

Saving the rights of persons naturalised under the same.

CAP. LXVII.

An Act respecting the Geological Survey of Canada.

[*Assented to 22nd May*, 1868.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. Out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, the sum of thirty thousand dollars shall be annually applied for the term of five years from the first day of July, one thousand eight hundred and sixty-seven, to defray the expenses of the Geological Survey of Canada, during the said term; which sum shall be paid at such times and in such manner as the Governor in Council may direct, subject to the provisions hereinafter made; and any balance remaining unexpended out of the sum appropriated for any one year, may be applied and expended in the next or any subsequent year, in addition to the sum appropriated for such next or subsequent year.

Appropriation of $30,000 yearly for 5 years for Geological Survey.

2. The Governor may employ a suitable number of competent persons to make, continue and complete the Geological Survey of Canada, and to furnish a full and scientific description of its rocks, soils and minerals, which shall be accompanied with proper maps, diagrams and drawings and a collection of specimens to illustrate the same, and may direct the publication of such maps and drawings as he may deem necessary for that purpose, and the deposit thereof in the Geological Museum, as a collection for the whole Dominion of Canada, and which shall be open at all reasonable hours to the public, and shall be furnished with such books and instruments as may be necessary for the illustration of the science and the prosecution of the Survey, and may from time to time order the distribution of the publications relative to the Survey and of duplicate specimens, to scientific institutions in Canada and other countries.

Employment of competent persons authorized.

Nature of survey.

Museum.

Distribution of reports, specimens, &c.

3.

Permanent marks of latitude and longitude and level.

3. For the purpose of obtaining an accurate basis from which the geological and topographical features of the country may be ascertained, and for the purpose of connecting together local and partial Surveys, the Director of the Geological Survey shall cause permanent marks in some public buildings, or other marks of a durable description, to be made at several convenient stations in Canada, and shall fix accurately the latitude and longitude and the relative levels thereof as points of reference.

Certain Railway Companies to furnish copies of plans, &c.

4. All Railway and Canal Companies over which the Parliament of Canada has jurisdiction, shall, if incorporated after the passing of this Act, furnish to the Geological Survey, without charge, certified copies of all plans and sections of their Surveys; and all such Companies theretofore incorporated shall furnish such plans and sections upon the demand of the Director of the Geological Survey and at the cost of the same.

Yearly report by Director.

5. The Director of the Geological Survey shall make and transmit yearly to the Governor, on or before the first day of May, a report shewing generally the progress made in the Survey.

Accounts.

6. An Account of the moneys expended under the authority of this Act, shall be laid yearly before the House of Commons, during the first fifteen days of each session of Parliament.

CAP. LXVIII.

An Act respecting Railways.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. In citing this Act, it shall be sufficient to use the expression "*The Railway Act*, 1868."

1. APPLICATION OF ACT.

Application of the several parts of this Act.

2. The provisions of this Act from section five to section twenty-two, both inclusive, being Part First of this Act, shall apply to The Intercolonial Railway to be constructed under the authority of the Act of the Parliament of Canada, passed during the present Session, and intituled: *An Act respecting the construction of the Intercolonial Railway*, so far as they are applicable to the undertaking and in so far as they are not inconsistent with or contrary to the provisions of the said Act respecting it:

2.

2. The said sections shall also apply to every Railway hereafter to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act. The same.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact, that the sections of this Act proposed to be excepted referring to them by the words forming the headings of such sections respectively shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly. How any section may be excepted from incorporation with any Special Acts.

4. The remaining provisions of this Act, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all Railways now in course of construction by the Government of Canada, and the property of the Dominion of Canada, in so far as they are not inconsistent with any Special Act respecting them, and to all Railways which may be hereafter constructed under the authority of any Special Act passed by the Parliament of Canada, and to all Companies hereafter incorporated for their construction and working. To what Railways the other provisions of this Act shall apply.

PART FIRST.

INTERPRETATION.

5. 1. The expression "The Special Act," used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, with which this Act is incorporated: Interpretation of words "The Special Act."

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used; "Prescribed."

3. The expression "the lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof; "The Lands."

4. The expression "the undertaking" shall mean the Railway and works, of whatever description, by the Special Act authorized to be executed; "The undertaking."

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, In this and the Special Act.

them, unless there is something in the subject or context repugnant to such construction, that is to say :

"Lands."

6. The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure ;

"Lease."

7. The word "Lease" shall include any agreement for a lease ;

"Toll."

8. The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the Railway ;

"Goods."

9. The word "Goods" shall include things of every kind that may be conveyed upon the Railway, or upon Steam or other vessels connected therewith ;

"County."

10. The word "County" shall include any union of Counties, County, Riding, or like division of a County in any Province, or any division thereof into separate Municipalities in the Province of Quebec ;

"Highways."

11. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications ;

"Sheriff."

"Clerk of the Peace."

12. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy ; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate ; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate ;

Justice."

"Two Justices."

13. The word "Justice" shall mean a Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter ; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter ; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together ;

14.

14. The word "owner," where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company; "Owner."

15. The expression "the Company" shall mean the Company or party authorized by the Special Act to construct the Railway; "The Company."

16. The expression "the Railway" shall mean the Railway and works by the Special Act authorized to be constructed. "The Railway."

INCORPORATION.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such Corporation, or are expressed or included in "the Interpretation Act." Companies established under Special Acts, declared to be bodies corporate, &c.

POWERS.

7. The Company shall have power and authority: Powers.

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purpose of such grants or donations only; To receive grants of land, &c.;

2. To purchase, hold and take of any Corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same; Purchase of land;

3. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway, as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and Works, subject, however, to the exceptions contained in the next following sub-section; Occupy public lands, beaches, &c., with consent of the Crown.

4,

As to lands belonging to Her Majesty, &c.

4. Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the Hand and Seal of the Governor, and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes of the Railway; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a Report first made thereupon by the Naval or Military authorities in which such lands are for the time being vested, approving of such license and consent being so given;

Power to carry Railway across lands of Corporations, and others;

5. The Company shall have power and authority to make, carry or place the Railway across or upon the lands of any Corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

And across or along streams, &c.

6. To construct, maintain and work the Railway across, along, or upon any stream of water, water course, canal, highway or railway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness;

To complete Railway with one or more tracks, &c.;

7. To make, complete, alter and keep in repair the Railway with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

Erect necessary buildings, wharves, &c.;

8. To erect and maintain all necessary and convenient buildings, stations, depôts, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carrioges, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the Railway;

Branch Railways;

9. To make branch Railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the Railway;

All other matters and things necessary for Railway;

10. To construct, and make all other matters and things necessary and convenient for the making, extending and using of the Railway, in pursuance of this Act, and of the Special Act;

11.

11. To take, transport, carry and convey persons and goods on the Railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation; To convey persons and goods on Railway;

12. To borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the Railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within Canada or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the Company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars; Borrow money, &c. To issue bonds, debentures, &c.

13. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any Corporation or person whatsoever lying in the intended route or line of the Railway; and to make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as are necessary and proper for the Railway; To enter upon lands, &c. To make surveys of lands;

14. To fell or remove any trees standing in any woods, lands or forests, where the Railway passes, to the distance of six rods from either side thereof; To remove trees;

15. To cross, intersect, join and unite the Railway with any other Railway at any point on its route, and upon the lands of such other Railway, with the necessary conveniences for the purposes of such connection; and the owners of both Railways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of one of the Superior Courts in the Province in which the point of junction or intersection is situated; To cross or unite with other Railways.

16. But no Railway Company shall avail itself of any of the powers contained in the next preceding sub-section without application to the Railway Committee, constituted by the twenty-third section of this Act, for approval, of the mode of crossing, union or intersection proposed; of which application, notice in writing shall be given to any other Railway affected, by sending the same by mail or otherwise, to the address of the President, But not without application to the Railway Committee under sect. 23.

President, Superintendent, Managing Director or Secretary of any such Railway Company, and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section;

Any Railway Company may construct branch Railways on certain conditions.

17. Any Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of their Railway, whenever a By-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorize the Company to take for such branch any lands belonging to any party without the consent of such party first obtained;

Changes may be made in the line of a Railway at any time for certain purposes.

18. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of Railway so at any time changed or proposed to be changed as to the original line; but no railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the special Act;

Stock may be increased: how and on what conditions.

19. The original Capital Stock of any Railway Company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the Shareholders, at a meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the Capital Stock may be increased to the amount sanctioned by such a vote.

PLANS AND SURVEYS.

Provision respecting surveys and levels.

8. Plans and Surveys shall be made and corrected as follows:

Map and book of Reference; contents.

1. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a Map or Plan thereof, and of its course and direction, and of the lands intended

intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the Railway, in which shall be set forth—

a. A general description of the said lands;

b. The names of the owners and occupiers thereof, so far as they can be ascertained; and,

c. Every thing necessary for the right understanding of such Map or Plan;

2. The Map or Plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy, and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works, and the Company shall be bound to furnish copies of such Map or Plan and Book of Reference or of such parts thereof as relate to each District or County through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such Districts or Counties respectively; To be examined, certified and copies deposited.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words; Access to Copies.

4. Such Map or Plan and Book of Reference so certified, or a true copy thereof certified by the Minister of Public Works, or by the Clerks of the Peace, shall be good evidence in any Court of Law and elsewhere; Certified copies to be evidence.

5. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any Map or Plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the Justices shall certify the same accordingly; Omissions or errors how remedied.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the Districts or Counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such Map or Plan or Book of Reference shall be deemed to be corrected according to such certificate; and the Company may make the Railway in accordance with the certificate; Certificate relating thereto.

7. If any alterations from the original Plan or Survey are intended to be made in the line or course of the Railway, a Plan and Section of such alterations as have been approved of by Alterations from original survey.

by Parliament, on the same scale and containing the same particulars as the original Plan and Survey, shall be deposited in the same manner as the original Plan, and copies or extracts of such Plan and Section so far as they relate to the several Districts or Counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such Districts and Counties;

Railway not to be proceeded with until map, &c. deposited.

8. Until such original Map or Plan or Book of Reference, or the plans and sections of the alterations, have been so deposited, the execution of the Railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with;

Clerks of the Peace to retain copies of original plan, &c.

Copies or extracts:

9. The Clerks of the Peace shall receive and retain the copies of the original Plans and Surveys, and copies of the Plans and Sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for each default of four dollars;

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the Maps, Plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required;

Line not to deviate more than a mile from Plan.

11. No deviation of more than one mile from the line of the Railway or from the places assigned thereto in the said Map or Plan and Book of Reference or Plans or Sections, shall be made into, through, across, under or over any part of the lands not shewn in such Map or Plan and Book of Reference, or Plans or Sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act;

As to errors in the name of a person entered in a Book of Reference.

12. The Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

Map, &c., of Railway to be filed in the Board of Work's Office.

13. A Map and Profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed in the office of the Minister of Public Works, and like maps of the parts thereof, located in different Districts and Counties, shall be filed in the Registry Offices for the Districts and Counties in which such parts are respectively situate; and any Company failing or neglecting to furnish such map within the

said

said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any Court of competent jurisdiction;

14. Every such Map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Minister of Public Works, and shall be certified and signed by the President or Engineer of the Corporation. On what scale and paper to be drawn.

LANDS AND THEIR VALUATION.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line: Extent of lands to be taken without consent of proprietor. Extra breadth for depots.

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the Railway, shall not exceed the quantity limited in the next preceding sub-section; Extent of public beach to be taken.

3. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof; Corporations, &c., may convey lands to Company.

4. But the powers by the next preceding sub-section conferred upon Rectors in possession of Glebe lands in the Province of Ontario, Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any Railway Company; Limitation of powers in certain cases.

Effect of sale under preceding sub-section.

5. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Railway Company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act;

Disposition of purchase money.

6. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided;

Effect of contracts made before deposit of map.

7. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award;

Corporations who cannot sell, may agree upon a fixed rent.

8. All Corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper District, County, or Registration Division;

As to proprietors *par indivis.*

9. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common and *par indivis*; and the proprietor or proprietors who

who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be;

After one month's notice of deposit of map, &c., application to the owner of lands.

10. After one month from the deposit of the Map or Plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:

Deposit of plan, &c., to be general notice.

11. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the Railway and works;

Notice to opposite party: and what it must contain.

12. The notice served upon the party shall contain:

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for the Province in which the lands are situated, desinterested in the matter, and not being the Arbitrator named in the notice:

a. That the land, if the notice relate to the taking of land, shewn on the said Map or Plan, is required for the Railway, or is within the limits of deviation hereby allowed;

b. That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

c. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid;

If the opposite party be

13. If the opposite party is absent from the District or County in which the lands lie, or is unknown, then, upon application to the

absent or unknown: application to a Judge.

the Judge of the Superior Court for the District if it be in the Province of Quebec, or to the Judge of the County Court for the County, if it be in either of the Provinces of Ontario or New Brunswick, or to a Judge of the Supreme Court if it be in the Province of Nova Scotia, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one month in some newspaper published in the District or County; or if there be no newspaper published therein, then in a newspaper published in some adjacent District or County;

If County Judge be interested.

14. Whenever any County Judge is interested in any lands taken or required by the Company within the County in which he is such judge, any judge of any of the Superior Courts in the Province in which the lands are, shall, on the application of the Company, exercise in such case all the powers given by this section to the County Judge in cases in which he is not interested;

Party not accepting the Company's offer, and not appointing an Arbitrator.

15. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor, for the Province, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid;

Appointment of Arbitrators by opposite party: third Arbitrator.

16. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of, at least, two clear days having been given to the other party,) appoint one of the Official Arbitrators to be a third Arbitrator;

Duties of Arbitrators.

17. The Arbitrators or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District or County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the

Award of two to be sufficient.

the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required;

18. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid; Arbitrators to consider increased value of remaining lands.

19. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge; Costs, how paid.

20. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly; Arbitrators may examine on oath.

21. A majority of the Arbitrators at the first meeting after their appointment, or the sole Arbitrator shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the Arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them; Time within which award may be made.

22. If the sole Arbitrator appointed by the judge or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator, the Judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties the company and party respectively may each appoint an Arbitrator in the place Arbitrator dying, &c.

place of his Arbitrator so deceased or not acting, but no recommencement or repetition of prior proceedings shall be required in any case;

Company may desist paying costs.

23. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist;

Surveyor or Arbitrator not disqualified unless personally interested.

When disqualification must be urged.

24. The surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge;

No objection admissible after a third Arbitrator has been appointed.

25. No cause of disqualification shall be urged against any Arbitrator appointed by the company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause or disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator;

Awards not avoided for want of form.

26. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award;

Possession may be taken on payment of tender, &c., of sum awarded.

Warrant of possession.

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may,

may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district or county, or to a Bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do;

When warrant of possession may issue before award.

28. Such Warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Railway with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;

Security being first given to deposit compensation.

When compensation to stand in the place of the land.

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

As to incumbrances, &c. upon lands, &c., purchased or taken in Ontario, Nova Scotia or New Brunswick.

30. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the Superior Courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned;

What notice to be published.

31. A notice, in such form and for such time as the Court appoints, shall be inserted in some newspaper, if there be any, published in the District or County in which the lands are situate, and at the Seat of Government of the Province, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons

persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain;

By whom costs be paid.

32. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order;

When interest to be returned to, or paid by the Company.

33. If such order of distribution be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right;

Case in which lands are situate in P. Q. and Company have reason to fear incumbrances provided for.

34. If the lands so taken are situate in the Province of Quebec, and if the Company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said Prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award,) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

35.

35. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and the provisions of this Act and to law, shall appertain; **Effect of a judgment of confirmation.**

36. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right; **By whom costs to be paid.** **Interest.**

37. If the Railway passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body. **The case of Railway passing through Indian lands provided for.**

HIGHWAYS AND BRIDGES.

10. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction: **Railway not to be carried along any highway without leave from municipal authorities.**

2. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid; **Railway not to rise more than one inch above level of any highway when crossing the same.**

3.

Height and span of bridge over highways.

3. The span of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet;

Ascent of bridges.

4. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge;

Precautions when Railway crosses a highway.

5. Signboards stretching across or projecting over the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

FENCES.

Fences to be erected on each side of Railway, with gates and crossings.

11. Within six months after any lands have been taken for the use of the Railway, the Company shall, if thereunto required by the proprietors of the adjoining lands, at their own costs and charges, erect and maintain on each side of the Railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the Railway; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway:

Liability of Company until cattle guards erected.

2. Until such fences and cattle guards are duly made, the Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway;

When to be exempted.

3. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done;

Persons prohibited from going on the track, &c., with cattle, &c.

4. If any person rides, leads or drives any horse or any other animal or suffers any such horse or other animal to enter upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby;

5.

5. No person other than those connected with, or employed by the Railway, shall walk along the track thereof, except where the same is laid across or along a highway.

Or walking thereon.

TOLLS.

12. Tolls shall be from time to time fixed and regulated by the By-laws of the Company, or by the Directors, if thereunto authorized by the By-laws, or by the Shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the By-laws direct:

Tolls to be fixed by By-laws or otherwise.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof;

How payment of Tolls enforced.

3. If the tolls are not paid within six weeks, the Company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto;

When if Tolls not paid, goods distrained may be sold.

4. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the Province in which such goods are, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto;

When goods distrained or detained may be sold.

Proceeds, how dealt with.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General, to be applied to the general purposes of Canada, until claimed by the party entitled thereto;

How balance to be disposed of.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; But the same tolls shall be payable at the same time and under the same circumstances upon all goods and

Toll—how raised or reduced.

and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls;

A fraction of a mile or ton how estimated in charging tolls.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the Railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton;

Table of tolls to be stuck up in offices and cars.

8. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing;

Tolls to be approved of by the Governor in Council.

9. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof;

The Governor may revise By-laws fixing tolls.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked;

When Parliament may reduce tolls on Railways.

11. The Parliament of Canada may from time to time reduce the tolls upon the railway, but not without consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Minister of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended;

By-laws imposing tolls, &c., to be approved by the Governor in Council.

12. No by-law of any Railway Company by which any Tolls are to be imposed or altered, or by which any party other than the Members, Officers and Servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council.

GENERAL MEETINGS.

Shareholders may hold

13. The Shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking

undertaking, and at any annual general meeting, may elect Directors in the manner provided by the next succeeding section. general meetings.

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

14. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the Shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the Directors shall cause such election to be held within as short a delay as possible after the day appointed: Board of Directors to be elected.

2. No person shall be admitted to vote on such subsequent day except those who would have been entitled to vote had the election been held on the day when it ought to have been held; Who entitled to vote.

3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws; Vacancies, how to be filled up.

4. No person shall be a Director unless he is a Stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he is chosen; Who qualified to be a Director.

5. The method of calling general meetings, and the time and place of the first meeting of Stockholders, for the appointment of Directors, shall be determined and settled in the Special Act; Calling of special meetings, &c.

6. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the Special Act; Votes to be in proportion to shares.

7. All Shareholders, whether resident in Canada or elsewhere, may vote by proxy, if they see fit; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, , of one of the Shareholders of the , do hereby appoint , of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the Shareholders of the said Company, or any of them, in such manner as he, the said , thinks proper. In witness whereof, I have hereunto set my hand and seal, the day of , in the year Form.

8.

Votes by proxy to be valid.

8. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the Shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company;

Term of office of Directors.

9. The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors;

Vacancies how supplied.

10. In case of the death, absence or resignation of any of the Directors, others may be appointed in their stead by the surviving directors; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors;

President.

Term of office.

Vice President.

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president;

Quorum.

12. The directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them;

Acts of majority to bind the whole.

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors;

Casting vote.

14. No director shall have more than one vote except the Chairman, who shall, in case of a division of equal numbers, have the casting vote;

Directors to be subject to Shareholders and By-laws.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act;

Officers of Company cannot be Directors or contractors.

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company enter into, or be directly or indirectly, for

for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway or be or become a partner of any contractor with the company;

By-laws for management of stock, &c.

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties;

May appoint officers.

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the European Assurance Society, or of any society incorporated for like purposes, as they may deem expedient or otherwise, from the manager and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper;

Vice-President to act in the absence of the President.

19. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the company, or by the Acts incorporating the company, are required to be signed, performed and done by the president;

Absence of President may be entered in the minutes, and certified, &c.

20. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *primâ facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise;

Directors to cause annual accounts to be rendered.

21. The directors shall cause to be kept, and annually on the thirty-first day of December to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors.

CALLS.

Calls, how made and after what notice.

15. The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as

as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act:

Notice of meetings, how published.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice;

Payment of calls how to be made.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors;

Interest to be chargeable on overdue calls.

4. If before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment;

Amount of call may be recovered by suit.

5. If at the time appointed for the payment of any call, any Shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable;

What allegations and formalities necessary in actions for calls.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the Company by virtue of the Special Act;

Certificate of proprietorship *primâ facie* evidence.

7. The Certificate of Proprietorship of any share shall be admitted in all Courts, as *primâ facie* evidence of the title of any Shareholder, his executors, administrators, successors or assigns, to the share therein specified;

Proviso.

8. But the want of such Certificate shall not prevent the holder of any share from disposing thereof;

Penalty for refusal to pay calls.

9. Any person neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; which forfeitures shall go to the Company for the benefit thereof;

10.

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture has been incurred;

Forfeiture of share to be taken advantage of only at a general meeting.

11. Every such forfeiture shall be an indemnification to and for every Shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on the undertaking;

Effect of forfeiture as to liabilities.

12. The Directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company;

Directors may sell forfeited shares.

13. A Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser, and such Certificate with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the Books required to be kept by the by-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any Shareholder may purchase any shares so sold;

Certificate of Treasurer to be evidence of forfeiture and of title of purchaser.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the Company may pay such interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the Company agree upon; but such interest shall not be paid out of the capital subscribed.

Interest may be allowed to Shareholders paying money in advance on their shares.

DIVIDENDS.

16. At the general meetings of the Shareholders of the undertaking from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise:

Declaration of dividend.

At so much per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the Shareholders in the stock of the Company, as such meeting may think fit to appoint or determine;

Dividends not to impair the Capital.

3. No dividend shall be made whereby the Capital of the Company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid;

Directors may pay interest on sums called up in respect of shares.

4. The Directors may, in their discretion, until the Railroad is completed and opened to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the Directors appoint for that purpose;

No interest on shares in arrear.

5. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or upon any other share held by the same Shareholder while such call remains unpaid.

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

17. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a Book to be kept for that purpose; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered:

Form of sale.

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties as the case may require:

I, A. B., in consideration of the sum of , paid to me by C. D., hereby do sell and transfer to him share (or shares) of the stock of the , to hold to him the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said share (or shares) subject to the same rules, orders and conditions. Witness our hands this day of in the year 18 .

Stock to be personal estate—No transfer of

3. The Stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been

been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid; part of a share.

4. If any share in the Company be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any Shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is transmitted, shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without such proof the party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof; Transmission of shares other than by transfer, provided for.

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject and the receipt of the party in whose name any share stands in the Books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts; Company not bound to see to the execution of trusts.

6. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company. Company not to take stock in their own or any other companies.

SHAREHOLDERS.

18. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part: Shareholders individually liable, and to what extent.

2. Municipal Corporations in any Province in Canada being duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the Capital Stock of the Company, and the Mayor, Warden or Reeve, or other head of any such Corporation holding stock to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the Directors of the Company in addition to the number of Directors authorized by the Special Act; When and how Municipal Corporations may take stock, &c.

Account of names and residence of Shareholders to be kept.

3. A true and perfect account of the names and places of abode of the several Shareholders shall be entered in a Book to be kept for that purpose.

BY-LAWS, NOTICES, &C.

By-laws to be put into writing, and signed by Chairman.

19. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any Court:

By-laws to be submitted to Governor.

2. All such By-laws, Rules and Orders shall be submitted from time to time to the Governor for approval;

Copies of Minutes to be *primâ facie* evidence.

3. Copies of the Minutes of proceedings and resolutions of the Shareholders of the Company, at any general or special meeting, and of the Minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the Minute-books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Minute-books, shall be evidence of such proceedings and resolutions in any Court;

Notices by Secretary valid.

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company.

WORKING OF THE RAILWAY.

Servants to wear badges.

20. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap, a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property:

Trains to start at regular hours.

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other Railways and at usual stopping places established for receiving and discharging way-passengers and goods from the trains;

3.

3. Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor; Passengers and goods to be carried on payment of fare or freight.

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company ; The Company liable for neglect or refusal.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same ; Checks to be fixed on parcels.

6. If such check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the Conductor in charge of the train ; Penalty for refusing to give Checks.

7. Any passenger producing such check, may himself be a witness in any suit brought by him against the Company to prove the contents and value of his baggage not delivered to him ; Passenger a witness in his own behalf.

8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly ; Baggage cars not to be in rear of passenger cars.

9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle ; Locomotives to have bells and steam whistles.

10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one-half of such penalty and damages shall be chargeable to and collected by the Company from the Engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid ; To be rung or sounded at every crossing, &c.

11. Any person in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor ; Intoxication of conductor a misdemeanor.

12. Any passenger refusing to pay his fare, may, by the conductor of the train and the servants of the Company, be put out of the cars, with his baggage, at any usual stopping place, or Passenger refusing to pay fare may be put out.

or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force;

Passengers to have no claim if injured when on platform of cars, &c.

13. Any passenger injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time;

As to goods of a dangerous nature.

They must be plainly marked.

14. No person shall be entitled to carry or to require the Company to carry upon their Railway, *aquafortis*, oil of vitriol, gunpowder, nitro-glycerine, or any other goods, which in the judgment of the Company, may be of a dangerous nature; and if any person sends by the said Railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the bookkeeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars, for every such offence;

Dangerous goods may be refused.

15. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

ACTIONS FOR INDEMNITY; AND FINES AND PENALTIES AND THEIR PROSECUTIONS.

Limitation of actions for damages.

21. All suits for indemnity for any damage or injury sustained by reason of the Railway shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act:

Fines, how recovered.

1. All fines and forfeitures imposed by Part First of this Act or the Special Act, or by any By-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred;

How applicable.

2. All the fines, forfeitures and penalties, recovered under the next preceding paragraph the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the Company, to be applied to the use thereof;

3.

3. Any contravention of this Act or of the Special Act by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

Contravention of this Act, &c., to be a misdemeanor.

Proviso.

GENERAL PROVISIONS.

22. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as the Governor in Council may make:

Provision as to the carriage of Her Majesty's Mail, &c.

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service;

Government to have exclusive use of telegraph, if required.

3. The Governor may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the Railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose;

Telegraph line may be constructed by Governor.

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act;

Further enactments may be made by Parliament.

5. No contracts for works of construction or maintenance of the Railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender;

Tenders to be advertised for, as to Works not of immediate necessity.

6.

Period for subscription of Capital, and completion of Railway.

6. If the construction of the Railway be not commenced, and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease;

Account to be submitted to Legislature.

7. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the President, or in his absence of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement;

Form or details of account may be varied by Parliament.

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company;

Parliament may dissolve any Corporation formed under this Act.

9. Parliament may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred;

Saving of Her Majesty's Rights, &c.

10. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

PART SECOND.

THE RAILWAY COMMITTEE.

Railway Board of Committee constituted.

Duties.

23. The Governor General may, from time to time, appoint such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of the Privy Council, and such Committee shall have the powers and perform the duties assigned to them by this Act.

May appoint a Chairman and a Secretary.

24. The Railway Committee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works or some other fit person appointed by the Committee shall be the Secretary of the Committee.

Railway not to be opened till after one month's notice to Railway Committee of in-

25. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the Railway belongs to the Railway Committee, and until ten days after notice in writing has

has been given by the Company, to the Railway Committee, of the time when the Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. tention to open the same.

26. If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs, shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired. Penalty for contravention.

27. The Railway Committee upon receiving such notification shall direct one or more of the engineers attached to the Department of Public Works, to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon, and if the inspecting engineer or engineers report in writing to the Railway Committee that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such Engineer or Engineers, after further inspection thereof so report, may order and direct the Company to whom the Railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public. Railway Committee upon report of an Engineer and sanction of Governor in Council may postpone the opening of road.

28. If any Railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee, the Company to whom the Railway belongs shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. Penalty for opening contrary to the order of the Committee.

29. No such order shall be binding upon any Railway Company unless therewith is delivered to the Company a copy of the report of the inspecting engineer or engineers on which the order is founded. When only such order to be binding on the Company.

30. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction or from any other cause, or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid to examine and inspect the railway or any portion thereof or of the Committee may cause any work to be inspected, and may on report of Engineer, condemn the Railway or rolling stock, with sanction of Gov. in Council, and

may order certain alterations in the works, &c.

the works connected therewith, or the engines and other rolling stock in use thereon or any portion thereof, and upon the report of the engineer or engineers may condemn the railway or any portion thereof or any of the rolling stock or other appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, and thereupon the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Committee.

Inspecting Engineer may, in case of danger, forbid the running of Trains, &c.

31. If in the opinion of any such Engineer, it is dangerous for trains or vehicles to pass over any Railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said Engineer may forthwith forbid the running of any train or vehicle over such Railvay or portion of Railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such Railway, or to any Officer having the management or control of the running of trains on such Railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

Must report to the Committee, who may confirm or disallow his order.

32. The Inspecting Engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the Inspecting Engineer, and such confirmation, modification or disallowance shall be duly notified to the Railway Company affected thereby.

Power of Engineer to examine the works, &c.

33. Any Engineer or Engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto.

Company to afford all necessary information to Engineer.

34. Every Railway Company and the Officers and Directors thereof shall afford to the Inspecting Engineer or Engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such Inspecting Engineer or Engineers all plans, specifications, drawings

drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part:

2. Any such Inspecting Engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company; Engineer to be conveyed by Company.

3. The operators or officers employed in the telegraph offices of or under the control of the Company, shall, without unnecessary delay, obey all orders of any such Inspecting Engineer for transmitting messages, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars; Telegraph operators to obey his orders.

4. The authority of any such Inspecting Engineer shall be sufficiently evidenced by instructions in writing, signed by the Chairman of the Railway Committee and countersigned by the Secretary thereof. Proof of his authority.

35. The Governor in Council, upon the Report of the Railway Committee, may authorize or require any Railway Company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or moveable bridges on the line of such Railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw or moveable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the previous consent of the Railway Committee. Governor may order permanent bridges to be substituted for moveable bridges. Penalty for neglect.

36. In any case where a Railway is constructed or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing. Certain powers vested in Railway Committee with respect to crossing public highways on a level.

37.

Railway Company may be required to repair any level crossing out of repair.

37. Whenever any level crossing on any Railway shall be out of repair, the Chief Officer of the Municipality, or other local division, having jurisdiction over the Railway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee, with all possible despatch, to appoint a day for an examination into the matter; and shall by mail, give notice to such Chief Officer, and to the Company, of the day so fixed; and upon the day so named such crossings shall be examined by an Engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any Court of competent jurisdiction, as money paid to the Company's use; Provided always that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Inspecting Engineer's certificate to be conclusive.

Proviso.

When the Committee may regulate speed, &c.

38. The Railway Committee, or the Inspecting Engineer or Engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the Company owning, running or using such Railway shall comply forthwith with any such Order of the Railway Committee or Inspecting Engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith every such Railway Company shall forfeit to Her Majesty the sum of two thousand dollars.

Penalty for non-compliance.

Notice of accidents to be given to the Committee.

39. Every Railway Company shall, as soon as possible, and at least within forty-eight hours, after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the Railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Railway Committee; and if any Company wilfully omits to give such notice such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

40.

40. No inspection had under this Act nor anything in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company, of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the laws in force in the Province in which such liability or responsibility arises. **Inspection not to relieve Company from liability.**

41. Every Railway Company, shall, as soon as possible after the receipt of any order or notice of the Railway Committee or Inspecting Engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the fifty-second section of this Act. **Company to notify orders of Board to its officers, &c.**

42. All orders of the Railway Committee shall be considered as made known to the Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Board, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendant of the Company, or at the office of the Company; and orders of the Inspecting Engineer or Engineers shall be deemed to be made known to the Railway Company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned. **What to be deemed sufficient notice thereof.**

43. Every Railway Company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the Company during the half year next preceding each of the said periods respectively, setting forth: **Return of accidents to be made semi-annually, and what to contain.**

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred and whether by night or by day;

3. The full extent thereof, and all the particulars of the same; and,

4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway.

44.

Form to be appointed by the Railway Committee.

44. The Railway Committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Committee deem necessary and require for their information with a view to the public safety.

Penalty for neglect.

45. If such returns so verified be not delivered within the respective times herein prescribed or within fourteen days after the same have been so required by the Committee, every Company making default, shall forfeit to Her Majesty the sum of one hundred dollars, for every day during which the Company neglects to deliver the same.

Such returns to be privileged communications.

46. All such returns shall be privileged communications, and shall not be evidence in any Court whatsoever.

Railway Committee to have, with respect to certain Railways, the powers of the former Railway Commissioners.

47. With respect to all Railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the Railway Committee constituted by this Act shall be invested with all the rights and powers vested in the Board of Railway Commissioners under the said Act, collectively, or in any single member thereof; and such powers may be exercised by the said Committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by the said Board of Railway Commissioners; but any inspection that may be required in respect of any such Railway, shall be performed in conformity with the provisions of this Act:

And may continue proceedings commenced by R. Commissioners.

2. All proceedings heretofore commenced by the said Board of Railway Commissioners may be taken up and continued; and all orders and regulations of the said Board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the Railway Committee in the same manner and with the same effect as they might have been by the said Board before the passing of this Act.

TRAFFIC ARRANGEMENTS.

One Company may agree with another respecting traffic.

48. The Directors of any Railway Company may, at any time, make agreements or arrangements with any other Company either in Canada or elsewhere, for the regulation and interchange of Traffic passing to and from their Railways, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working

working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the Stockholders voting in person or by proxy :

2. But every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company, for the receiving and forwarding and delivering of traffic upon, and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles; and no Company shall give or continue any preference or advantage to, or in favor of any particular Company, or any particular description of traffic, in any respect whatsoever, nor shall any Company subject any particular Company or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever; and every Railway Company having or working a Railway which forms part of a continuous line of Railway, or which intersects any other Railway, or which has any terminus, station, or wharf of the one near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one Railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said Railway Companies; and any agreement made between any two or more Railway Companies contrary to the foregoing provisions, shall be unlawful, null and void ;

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favor.

Agreements made in contravention of this Act to be void.

3. Any Railway Company granting any facilities to any Incorporated Express Company shall grant equal facilities on equal terms and conditions to any other incorporated Express Company demanding the same ;

Must grant equal facilities to Express Companies.

4. If any officer, servant or agent of any Railway Company, having the superintendence of the traffic at any Station or Depot thereof, refuses or neglects to receive, convey or deliver at any Station or Depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such Company, for conveyance over or along their Railway from that of any other Company, intersecting or coming near to such first mentioned Railway,—or in any way wilfully contravenes the provisions of the second subsection of this section,—such first mentioned Railway Company, or such officer, servant or agent, personally, shall, for each such neglect

Penalty on Companies or their officers refusing or neglecting to forward traffic as above required.

neglect or refusal, incur a penalty not exceeding fifty dollars, over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the Company, or other party so aggrieved;

How recoverable and how to be applied.

5. For the purposes of the four next preceding subsections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway,—the word "Railway" includes all Stations and Depots of the Railway;—and a Railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

Interpretation of word "Traffic."

Railway Company, &c.

RAILWAY CONSTABLES.

49. The Justices of the Peace for any County in the Provinces of Ontario, Nova Scotia or New Brunswick, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, on the application of the Board of Directors of any Railway Company, whose Railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any Clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, Clerk or Agent, to act as Constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

Constables may be appointed to act on the line of any Railway, and how.

"I, A. B., having been appointed a Constable to act upon "and along (*here name the Railway*), under the provisions of "(*here insert the title of this Act*), do swear that I will well and "truly serve Our Sovereign Lady the Queen, in the said office "of Constable, without favor or affection, malice or ill-will, "and that I will, to the best of my power, cause the peace to be "kept, and prevent all offences against the peace, and that "while I continue to hold the said office, I will, to the best of "my skill and knowledge, discharge the duties thereof faith-"fully, according to law. So help me God."

Oath of office.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia or New Brunswick, by any one such Justice, and in the Province of Quebec by any such Judge, Clerk, or Judge of the Sessions of the Peace; and every Constable so appointed, and having taken such oath or made such declaration, shall have full power to act as a Constable for the preservation of the peace, and for the security of persons

persons and property against felonies and other unlawful acts, on such Railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such Company, whether the same be in the county, city, town, parish, district, or other local jurisdiction within which he was appointed, or in any other place through which such Railway passes, or in which the same terminates, or through or to which any Railway passes, which may be worked or leased by such Railway Company, and in all places not more than one quarter of a mile distant from such Railway or Railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any Constable duly appointed has within his Constablewick; and it shall be lawful for any such Constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or By-laws affecting any such Railway, before any Justice or Justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such Railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction;

Powers of such Constables, and to what localities they shall extend.

Duties and powers of such Constables.

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such Constable, who may be acting within their several jurisdictions; and the Board of Directors of such Railway Company, or any Clerk or Agent of such Company thereto authorized by such Board, may dismiss any such Constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a Constable for such Railway, without the consent of the authority by which he was dismissed;

Dismissal of any such Constable.

4. Every such Railway Company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district, or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every Constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and every such Clerk

Record of appointment of each Constable to be kept.

Fees.

Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may from time to time authorize, and in such form as the Committee may from time to time direct;

Punishment of Constables guilty of neglect of duty.

5. Every such Constable who is guilty of any neglect or breach of duty in his office of Constable, shall be liable, on summary conviction thereof, within any county, city, district, or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such Constable be in receipt of a salary from the Railway Company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction;

And of persons resisting them.

6. Every person who assaults or resists any Constable appointed as aforesaid, in the execution of his duty, or who incites any person, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months.

GENERAL PROVISIONS.

Companies to make By-laws for regulation of conductors and other officers, &c.

50. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine drivers and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the Railway of the Company, as are requisite for ensuring the perfect carrying into effect of the provisions of this Act, and the orders and regulations of the Railway Committee.

Company may impose penalties for contravention of By-laws.

51. Any Railway Company may by a By-law impose upon any officer, servant, or person who before the contravention of such By-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such By-law, and may retain any such forfeiture out of the salary or wages of the offender.

How notice of By-laws or Orders may be proved.

52. The notice of the By-law or of any order or notice of the Railway Committee, or of the Inspecting Engineer or Engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

53.

53. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act. When such proof, &c., to be a defence for the Company.

54. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried. Not to impede navigation.

55. If the Railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw bridge or swing bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing bridge or draw bridge as the Governor in Council from time to time makes. Railways crossing Rivers, &c., regulated.

56. It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the Committee. Plans to be submitted to the Governor in Council.

57. Nothing contained in the three next preceding sections of this Act, shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of Incorporation or any Special Act amending the same. Exception where special powers given by the Special Act.

58. In all cases where a Railway passes any Draw or Swing Bridge over a navigable River, Canal or Stream which is subject to be opened for the purposes of navigation, the Trains shall in every case be stopped at least three minutes, to ascertain from the Bridge Tender that the said Bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said Railway Company shall be subject to a fine or penalty of four hundred dollars. When a Railway passes over a swing-bridge, &c., train to stop for three minutes.

59. Every Railway Company which runs trains upon the railway, for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of Company to use the best apparatus for communication between conductors and engine-drivers and for stopping or disconnecting cars, fixing seats in cars, &c.

of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Railway Committee may order.

Penalty for not complying with the 59th section.

60. Every Railway Company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

Further precautions at level crossings.

61. Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the Conductor thereof that the way is clear.

Further precautions when one Railway crosses another on a level.

62. Every locomotive or Railway engine or train of cars, on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of one minute.

Or runs through a city, town, &c.

63. No locomotive or Railway engine shall pass in or through any thickly peopled portion of any City, Town or Village at a speed greater than six miles per hour, unless the track is properly fenced.

Or moves reversely.

64. Whenever any train of cars is moving reversely in any City, Town or Village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such Railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the Company shall incur a penalty of one hundred dollars.

Foot passengers to use foot bridge, if provided for that purpose at level crossings.

65. If the Railway Committee orders any Railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

66.

66. No horses, sheep, swine or other cattle, shall be permitted to be at large upon any highway within a half mile of the intersection of such highway with any Railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.

No cattle to be allowed to be at large on any highway within half a mile of any Railway.

67. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Such cattle may be impounded.

68. No person, any of whose cattle being at large, contrary to the provisions of section sixty-six, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed.

If killed owner not entitled to any action.

69. At every road and farm crossing on the grade of the Railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

Crossings to be fenced.

70. Every Railway Company, shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the Railway and belonging to such Company to be cut down and kept constantly cut down or to be rooted out of the same.

Ground belonging to the Company to be cleared of weeds, &c.

71. If any Railway Company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the Mayor, Reeve or Chief Officer of the Municipality of the Township, County or District in which the land or ground lies, or from any Justice of the Peace therein, such Company shall thereby incur a penalty of two dollars to the use of the Municipality, and in the Provinces of Nova Scotia and New Brunswick, to the overseer of the poor for the locality, for each day during which they neglect to do any thing which they are lawfully required to do by such notice, and the said Mayor, Reeve or Officer or Justice of the Peace may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and may recover the expenses and charges incurred in so doing, and the said penalty with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered.

Consequences of omitting to do so.

72. The interest of the purchase money or rent of any real property acquired or leased by any Railway Company, and necessary

Interest of purchase money or rent of

real property to be deemed working expenses.

necessary to the efficient working of such Railway, and the price or purchase money of any real property or thing, without which the Railway could not be efficiently worked, shall be considered to be part of the expenses of working such Railway, and shall be paid as such out of the earnings of the Railway:

PENAL CLAUSES.

Penalty on persons obstructing free use of Railway.

2. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common Gaol of the District or County, where the conviction takes place, for any term less th an two years; or, in the Penitentiary, for a term not to exceed five years, and not less than two years;

Penalty on persons damaging Railway.

3. All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or Law, to a felony, in which case such person shall be guilty of a felony, and the Court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony, as the case may be, are directed to be punished by the laws in force in Canada.

If the offence be a felony.

Punishment of persons doing any thing to Railway with intent to injure persons or property.

73. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatsoever on any such rail or Railway track, or bridge, with intent thereby to injure any person or property passing over or along such Railway, or to endanger human life, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labour in the Common Goal of the Territorial Division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railway, actually suffers any bodily harm, or if any property passing over and along such Railway be injured, such suffering or injury shall be an aggravation of the offence, and shall

And if such damage be actually done.

shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the Penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

And if any person be killed or his life be lost, the offence to be manslaughter.

74. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatever on any such rail or Railway track or bridge, or does or causes to be done any act whatever whereby any engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railway and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Penitentiary for any period not more than ten nor less than four years.

Punishment.

Committing any injury, stoppage, &c., to be a misdemeanor.

75. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any Railway, or any engine, machine or structure of any Railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labor not exceeding one year, in the Common Gaol of the Territorial Division in which the offence was committed or has been tried.

Punishment of persons boring or cutting casks or packages on Railway.

76. Every person who bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any such Railway Company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for not more than one month.

Punishment of persons obstructing Inspectors in the execution of their duty.

77. Every person wilfully obstructing any Inspecting Engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence

offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment of officers, &c., contravening by-laws, &c.

78. If any officer or servant of, or person employed by any Railway Company, wilfully or negligently contravenes any By-Law or regulation of the Company lawfully made and in force, or any Order or Notice of the Railway Committee, or of the Inspecting Engineer or Engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where is work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall in the discretion of the Court before whom the conviction is had, and according as such Court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years shall be in the Penitentiary.

Penalty in certain cases, and how recovered.

79. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

Application of.

80. One moiety of such penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

81.

81. The Company may in all cases under the three next preceding sections pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay. The Company may pay penalty and deduct from wages.

APPLICATION OF PENALTIES.

82. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada to the credit of "The Railway Inspection Fund." How penalties recovered and applied.

RAILWAY FUND.

83. Every Railway in Canada to which this Act applies, shall so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Railway Committee, not exceeding ten dollars per mile of Railway constructed and in use; such rate to be paid half yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." Railway Inspection Fund.

CERTAIN SECTIONS LIMITED.

84. In the construction of the provisions of this Act, from and including section twenty-three, the expression "Railway Company" or "Company" shall include any person being the owner or lessee of or a contractor working any railway constructed or carried on under the powers of an Act of Parliament. What the words "Railway Company," shall include.

CAP. LXIX.

An Act for the better security of the Crown and of the Government.

[*Assented to 22nd May*, 1868.]

WHEREAS it is expedient to assimilate the Statute Laws of the several Provinces of Quebec, Ontario, Nova Scotia, and New Brunswick, respecting offences affecting the security of the Crown and of the Government, and to amend and consolidate the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Nothing herein contained shall lessen the force of or in any manner affect anything enacted by the Statute passed in the twenty-fifth year of King Edward the Third, "A declaration which offences shall be adjudged treason." Nothing herein to affect 25 Ed. 3, c. 2, Imp., s. 7.

2. Whosoever within Canada or without, compasses, imagines, invents, devises or intents death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint of our Sovereign Lady the Queen, Compassing the death of the Sovereign Treason.

Queen, Her Heirs or Successors, and such compassings, imaginations, inventions, devices or intentions, or any of them, expresses, utters, or declares, by publishing any printing or writing or by any overt act or deed, is guilty of treason, and shall suffer death.

If an officer or soldier corresponds with the enemy, he is guilty of Treason.

3. If any Officer or Soldier in Her Majesty's army, holds correspondence with any rebel, or enemy of Her Majesty, or gives them advice or intelligence, either by letters, messages, signs or tokens, or in any manner of way whatsoever, or treats with such rebels or enemies, or enters into any condition with them without Her Majesty's license, or the license of the General, Lieutenant-General or Chief Commander, every such person so offending is guilty of treason, and shall suffer death.

Sentence to be pronounced in cases of Treason.

4. In all cases of treason, the sentence or judgment to be pronounced against any person convicted and adjudged guilty thereof shall be, that he be hanged by the neck until he be dead.

Certain offences declared felonious, and to be punishable by imprisonment in the Penitentiary.

5. Whosoever, after the passing of this Act, within Canada or without, compasses, imagines, invents, devises or intends to deprive or depose Our Most Gracious Lady the Queen, Her Heirs or Successors, from the style, honour, or royal name of the imperial crown of the United Kingdom, or of any other of Her Majesty's dominions or countries, or to levy war against Her Majesty, Her Heirs or Successors, within any part of the United Kingdom or of Canada, in order by force or constraint to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses or either House of Parliament, of the United Kingdom or of Canada, or to move or stir any foreigner or stranger with force to invade the United Kingdom or Canada, or any other of Her Majesty's dominions or countries under the obeisance of Her Majesty, Her Heirs or Successors, and such compassings, imaginations, inventions, devices or intentions, or any of them, shall express, utter or declare by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Time within which prosecution shall be commenced, warrant issued, &c.

6. No person shall be prosecuted for any felony by virtue of this Act in respect of such compassings, imaginations, inventions, devices or intentions as aforesaid, in so far as the same are expressed, uttered or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices and intentions and of the words by which the same were expressed, uttered or declared, shall be given upon oath to one or more Justice or Justices of the Peace, within

within six days after such words shall have been spoken, and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued within ten days next after such information shall have been given as aforesaid; and no person shall be convicted of any such compassings, imaginations, inventions, devices or intentions as aforesaid in so far as the same are expressed, uttered or declared by open or advised speaking as aforesaid, except upon his own confession in open Court, or unless the words so spoken shall be proved by two credible witnesses. Words spoken must be proved by two witnesses.

7. It shall be lawful, in any indictment for any felony under this Act to charge against the offender any number of the matters, acts or deeds by which such compassings, imaginations, inventions, devices or intentions as aforesaid, or any of them shall have been expressed, uttered or declared. In indictments more than one overt act may be charged.

8. If the facts or matters alleged in an indictment for any felony under this Act amount in law to treason, such indictment shall not by reason thereof be deemed void, erroneous, or defective, and if the facts or matters proved on the trial of any person indicted for felony under this Act amount in law to treason, such person shall not, by reason thereof, be entitled to be acquitted of such felony; but no person tried for such felony shall be liable to be afterwards prosecuted for treason upon the same facts. Indictments for felony under this Act valid, though the facts may amount to treason.

9. In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any such felony, shall be liable to be imprisoned in any gaol or place of confinement other than the Penitentiary, for any term less than two years, with or without hard labour. As to punishment of accessories.

10. This Act shall commence and take effect on the first day of January, in the year of our Lord, one thousand eight hundred and sixty-nine. Commencement of this Act.

CAP. LXX.

An Act respecting Riots and Riotous Assemblies.

[*Assented to 22nd May*, 1868.]

WHEREAS, it is expedient to assimilate, amend and consolidate the Laws in force in the several Provinces of Quebec, Ontario, Nova Scotia, and New Brunswick, in relation to Riots and Riotous Assemblies, and to extend the same as so consolidated to all Canada: Therefore, Her Majesty, by and Preamble.

and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Justices of the Peace may enjoin persons riotously assembled, to disperse.

1. In case any persons to the number of twelve or more, being unlawfully, riotously and tumultuously assembled together, to the disturbance of the public peace, be by Proclamation, in the Queen's name, made in the form in this Act directed, by any one or more Justice or Justices of the Peace, or by the Sheriff of the District or County, or his Deputy Sheriff, or by the Mayor, or other head officer, or Justice of the Peace of any city or town corporate, where such persons are so assembled, required or commanded to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, and in case such persons to the number of twelve or more (notwithstanding such Proclamation made) unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such command or request, such persons or any of them so continuing together to the number of twelve or more, after such command or request, so made by Proclamation, are severally guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years.

Persons not obeying, guilty of felony.

Punishment.

Order and form of Proclamation.

2. The order and form of the Proclamation to be made by the authority of this Act shall be as follows, that is to say: The Justice of the Peace, or other person authorized to make the said Proclamation, shall, among the said rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded, silence to be, while Proclamation is making; and after that, shall openly and with a loud voice, make, or cause to be made, Proclamation in these words, or like in effect:

"Our Sovereign Lady the Queen chargeth and commandeth "all persons being assembled immediately to disperse them- "selves, and peaceably to depart to their habitations or to their "lawful business, upon the pains contained in the Act res- "pecting Riots and Riotous assemblies.—God save the "Queen."

Justices of the Peace, Sheriffs, Mayors, &c., to repair to place of riot, and there make Proclamation.

3. Each and every Justice of the Peace, Sheriff, Deputy Sheriff, Mayor and other Head Officer, within the limits of their respective jurisdictions, shall, on notice or knowledge of any such unlawful, riotous and tumultuous assembly of persons to the number of twelve or more, resort to the place where such unlawful, riotous and tumultuous assembly is, and there make, or cause to be made, Proclamation in manner aforesaid.

Consequence, if persons riotously assembled, do

4. If twelve or more of the persons so unlawfully, riotously and tumultuously assembled, continue together, after Proclamation made in manner aforesaid, and do not disperse themselves within

within one hour, then every Justice of the Peace, Sheriff, and Deputy Sheriff of the District or County where such assembly may be, and also every High and Petty Constable, and other Peace Officer within such District or County, and also every Mayor, Justice of the Peace, Sheriff and other Head Officer, High or Petty Constable, and other Peace Officer, of any city or town corporate where such assembly may be, and any person or persons commanded to assist such Justice of the Peace, Sheriff or Deputy Sheriff, Mayor, Bailiff, or other Head Officer aforesaid (who may command all Her Majesty's subjects of age and ability to be assisting to them therein), shall seize and apprehend the persons so unlawfully, riotously and tumultuously continuing together, after Proclamation made as aforesaid, and shall forthwith carry the persons so apprehended before one or more of Her Majesty's Justices of the Peace of the District, County or place where such persons are so apprehended, in order to their being proceeded against for such their offences according to law.

not disperse in obedience to the proclamation.

Apprehension of offenders.

5. If in the dispersing, seizing or apprehending or endeavoring to disperse, seize or apprehend any of the persons so unlawfully, riotously and tumultuously assembled, any such person happen to be killed, maimed or hurt, by reason of their resisting the persons dispersing, seizing or apprehending, or endeavoring to disperse, seize or apprehend them, then every such Justice of the Peace, Sheriff, Deputy Sheriff, Mayor, Head Officer, High or Petty Constable, or other Peace Officer, and all persons who were aiding and assisting them, or any of them, shall be free, discharged and indemnified, as well against the Queen's Majesty, as against all and every other person and persons, of, or concerning, the killing, maiming or hurting, of any such person or persons so unlawfully, riotously and tumultuously assembled as aforesaid.

Persons suppressing riot justified—even though death of a rioter may ensue.

6. If any person or persons with force and arms, wilfully and knowingly oppose, obstruct, or in any manner let, hinder or hurt, any person or persons who begin to proclaim, or go to proclaim, according to the Proclamation hereby directed to be made, whereby such Proclamation cannot be made, then every such person so opposing, obstructing, letting, hindering or hurting such person or persons so beginning or going to make such Proclamation, as aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years.

Consequences of any person opposing Peace Officer and others suppressing riot.

7. And every such person or persons so being unlawfully, riotously and tumultuously assembled, to the number of twelve or more, as aforesaid, to whom Proclamation should or ought to have been made, if the same had not been hindered, as aforesaid, who, to the number of twelve or more, continue together,

The same, if the making of the Proclamation be prevented by force.

together, and do not disperse themselves within one hour after such let or hindrance so made, having knowledge thereof, are guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years.

Prosecutions for acts under this statute to be commenced within 12 months.

8. No person or persons shall be prosecuted for any offence or offences committed contrary to this Act, unless such prosecution be commenced within twelve months after the offence committed.

Commencement of Act.

9. This Act shall commence and take effect on the first day of January, in the year of Our Lord one thousand eight hundred and sixty-nine.

CAP. LXXI.

An Act respecting forgery, perjury, and intimidation in connection with the Provincial Legislatures and their Acts.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Chapter 94 of Con. Stat. Can. extended to Ontario and Quebec.

1. The Act chapter ninety-four of the Consolidated Statutes of Canada, intituled: "An Act respecting Forgery," is hereby extended so as to apply as fully in each of the Provinces of Quebec and Ontario, as if it had been re-enacted at the time of the Union with the following extensions:

Great Seals.

1. The Great Seals mentioned in section one of the said Act shall include and mean the Great Seal of each of the said Provinces respectively;

Seals at Arms.

3. The Seal at Arms mentioned in section two of the said Act shall include and mean the Seal at Arms of the Lieutenant Governor of each of the said Provinces respectively;

Interpretation.

4. All words mentioning or referring to the late Province of Canada, or the Legislature or Statutes thereof, shall include and mean each of the said Provinces, and the Legislatures and Statutes thereof respectively.

Forgery of certain stamps to be felony and punished accordingly.

2. Whosoever forges, counterfeits or imitates or procures to be forged, counterfeited or imitated any stamp or stamped paper, issued or authorized to be used by any Act of the Parliament of Canada, or the Legislature of any of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, by means whereof

whereof any duty thereby imposed, or any sum of money may be paid, or any part or portion of any such stamp, or knowingly uses, offers, sells or exposes to sale, any such forged, counterfeited or imitated stamp, or engraves, cuts, sinks or makes any plate, die or other thing whereby to make or imitate such stamp or any part or portion thereof, except by permission of any officer or person who, being duly authorized in that behalf by the Government of Canada, or of any of the Provinces aforesaid, may lawfully grant such permission—or, without such permission, has possession of any such plate, die or other thing, so unlawfully engraved, cut, sunk or made, or without such permission uses or has possession of any such plate, die or thing lawfully engraved, cut, sunk or made,—or tears off or removes from any instrument, on which a duty or sum of money is payable, any stamp by which such duty or sum of money has been wholly or in part paid, or removes from any such stamp any writing or mark indicating that it has been used for or towards the payment of any such duty or sum of money—shall be deemed guilty of felony, and shall on conviction be liable to be imprisoned in the Penitentiary of the Province in which the offence was committed for any term not exceeding twenty-one years and not less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement.

Or having plates, dies, &c. in possession, &c.

Punishment.

3. Any wilful contravention of any Act of the Legislature of any of the Provinces within Canada, which is not made an offence of some other kind shall be a misdemeanor, and punishable accordingly.

Contravention of Provincial Acts, a misdemeanor.

4. Any oath or solemn affirmation now or hereafter made, subscribed or administered under the authority of any such Act shall be as binding, and shall entail the same legal liabilities and the same consequences with respect to false swearing, perjury or subornation thereof, as if such oath or affirmation were made, subscribed or administered under the authority of an Act of the Parliament of Canada, or of any Act or law in force in such Province at the time of the Union.

Consequences of oath taken under Act of Provincial Legislature.

5. Whenever two or more persons confederate, combine or conspire to do any act of violence, in order to intimidate, or to put any force or constraint upon any Legislative Council, Legislative Assembly or House of Assembly in any one of the provinces within Canada, each of such persons shall be guilty of felony, and on being convicted thereof, shall be imprisoned in the penitentiary of the Province in which the offence was committed, for any time not less than two years nor more than fourteen years, or in any other prison for any period less than two years with or without hard labor.

Conspiracy to intimidate a Provincial Legislative body a felony.

Punishment.

CAP.

CAP. LXXII.

An Act respecting Accessories to and Abettors of indictable Offences.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute law of the several Provinces of Quebec, Ontario, Nova Scotia, and New Brunswick, relating to accessories to and abettors of indictable offences, and to extend the same as so consolidated to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

As to accessories before the fact.

Accessories before fact may be tried &c., as principals.

1. Whosoever becomes an accessory before the fact to any felony, whether the same be a felony at common law, or by virtue of any Act passed or to be passed, may be indicted, tried, convicted and punished in all respects as if he were a principal felon.

Accessories before fact may be indicted as such or as substantive felons.

2. Whosoever counsels, procures or commands any other person to commit any felony, whether the same be a felony at common law, or by virtue of any Act passed or to be passed, is guilty of felony, and may be indicted, and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been previously convicted, or is or is not amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

Principals in the second degree.

3. In every felony, every principal in the second degree shall be punishable in the same manner as the principal in the first degree is punishable.

As to accessories after the fact.

Accessories after the fact may be indicted as such or as substantive felons.

4. Whosoever becomes an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, may be indicted and convicted, either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been previously convicted, or is or is not amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

5.

5. Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law, or by virtue of any Act passed, or to be passed, shall be liable to be imprisoned in any gaol or place of confinement other than the Penitentiary, for any term less than two years, with or without hard labour, and it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to such punishment; Provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year. Punishment of accessories after the fact. Proviso.

As to accessories generally.

6. If any principal offender is in any wise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon dies or is pardoned or otherwise delivered before such attainder; and every such accessory shall, upon conviction, suffer the same punishment as he would have suffered if the principal had been attainted. Prosecution of accessory after principal convicted, &c.

7. Any number of accessories at different times to any felony and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies, in the same indictment, and may be tried together, notwithstanding the principal felon is not included in the same indictment, or is not in custody or amenable to justice. Several accessories may be included in same indictment.

8. Where any felony has been wholly committed within Canada, the offence of any person who is an accessory, either before or after the fact, to such felony, may be dealt with, inquired of, tried, determined and punished by any Court which has jurisdiction to try the principal felony, or any felonies committed in any district, county, or place in which the act, by reason whereof such person shall have become such accessory, has been committed; and in every other case the offence of any person who is an accessory, either before or after the fact, to any felony, may be dealt with, inquired of, tried, determined and punished by any Court which has jurisdiction to try the principal felony, or any felonies committed in any district, county or place in which such person is apprehended or is in custody, whether the principal felony has been committed on the sea or on the land, or begun on the sea and completed on the land, or begun on the land and completed on the sea, or whether within Her Majesty's dominions or without, or partly within Her Majesty's dominions and partly without; Provided that no person once duly tried, either as an accessory before or after the fact, or for a substantive felony under the provisions hereinbefore contained, shall be liable to be afterwards prosecuted for the same offence. Place of trial of accessories. If offence wholly committed in Canada. In other cases. Proviso.

As to abettors in misdemeanors.

Abettors in misdemeanors.

9. Whosoever aids, abets, counsels or procures the commission of any misdemeanor, whether the same be a misdemeanor at common law, or by virtue of any Act, passed or to be passed, shall be liable to be tried, indicted and punished as a principal offender.

Commencement of Act.

10. This Act shall commence and take effect on the first day of January, one thousand eight hundred and sixty-nine.

CAP. LXXIII.

An Act respecting Police of Canada.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Governor may appoint Commissioners of Police.

1. The Governor in Council may, from time to time, appoint by Commission under the Great Seal, one or more fit and proper persons to be and act as a Commissioner or Commissioners of Police within any one or more of the Provinces of Canada, or within any one or more of the Districts or Counties in any Province or within any temporary Judicial District, or any Provisional Judicial District in Ontario.

Commissioners of Police may appoint Police Constables to act for certain purposes only.

2. The Governor in Council may, from time to time, direct and authorize any Commissioner of Police under this Act to appoint any fit and proper persons to serve as Police Constables under and within the jurisdiction of such Commissioner of Police, and such Commissioner may, at his pleasure, remove any such Police Constable, and every such Police Constable shall obey all lawful directions and be subject to the government of such Commissioner of Police, and shall be charged with all the powers, rights and responsibilities which belong by law to constables duly appointed in the Province, or District or County of the Province, in which they may be appointed, but for the purpose of carrying out the criminal laws, and other laws of the Dominion only.

Penalty for misconduct by Police Constables.

3. If any Police Constable appointed under the authority of this Act, be guilty of any disobedience of orders, neglect of duty, or any misconduct as such Police Constable, and be convicted thereof before any Commissioner of Police, Police Magistrate or Justice of the Peace, he shall forfeit a sum to be fixed by such Commissioner, Police Magistrate or Justice, not exceeding forty dollars and costs, and in default of immediate payment thereof, shall suffer imprisonment for any time not exceeding three months, unless such fine and costs be sooner paid, and any

any such person may be proceeded against by indictment for any offence committed by him as such Constable, but not both by indictment and under this Act for the same offence.

4. Every Commissioner of Police appointed under this Act for the purpose of carrying out the Criminal laws and other laws of the Dominion only, shall have and exercise within the Province or Provinces, or District or Districts, or County or Counties, or temporary Judicial District or Provisional Judicial District of a Province for which he is appointed, all the powers and authority, rights and privileges by law appertaining to Police Magistrates of Cities, in the same Province, and all the powers and authority, rights and privileges appertaining to Justices of the Peace generally, and shall be subject in all respects except as otherwise provided by this Act, to the requirements of the law of the Province in and for which, or any District or County in which he may be appointed, respecting Police Magistrates and the office of Justice of the Peace; but it shall not be necessary for any Commissioner of Police appointed under this Act to possess any property qualification or to be actually resident within any District, County, temporary Judicial District or Provisional Judicial District of a Province for which he may be appointed.

Powers, &c., of Commissioners of Police, in carrying out the laws of the Dominion.

Proviso: no property qualification, &c, required

5. Every such Commissioner of Police shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information within his Jurisdiction, and perform such other duties as the Governor may from time to time prescribe and require.

Duties of Commissioners.

6. Every Commissioner of Police and every Police Constable appointed under this Act shall be subject to such regulations in respect to the order, management, and disposition of the Police, and shall receive such rates of pay or allowance as may from time to time be prescribed by the Governor in Council; and an account shall be laid before Parliament within the first two weeks after the meeting of each Session, of the average number of men employed during each month of the year, and of the cost of pay, and of travelling expenses expended in respect thereof.

Regulations, pay and annual account to Parliament.

7. All moneys arising from penalties, forfeitures and fines imposed by any Commissioner of Police shall, if not directed by law to be otherwise appropriated, be from time to time paid to such Commissioner of Police, who shall account for the same and pay over or disburse the moneys arising therefrom at such times and in such manner, and to such person or persons as the Governor may from time to time direct.

Appropriation of fines, penalties and forfeitures.

CAP.

CAP. LXXIV.

An Act respecting persons in custody charged with High Treason or Felony.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS it is expedient to make provision for the safe custody of persons charged with High Treason or Felony: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Governor in Council may order the removal of such persons from one gaol to another, in case of insecurity of gaol, &c.

1. If from the insecurity or unfitness of any gaol of any county or district, for the safe custody of persons charged with the crimes of High Treason or Felony, or if from any other cause it shall seem expedient to the Governor in Council so to do, it shall be lawful for the Governor in Council to order that any person or persons charged with the said crimes, or either of them, confined in such gaol, shall be removed to any other gaol or any other county or district in the same Province, to be named in such order, there to be detained until discharged in due course of law, or removed for the purpose of trial to the gaol of the county or district in which the trial is to take place; and a copy of such order, certified by the Clerk of the Queen's Privy Council for Canada, or by any person acting as such Clerk, shall be a sufficient authority to the Sheriffs and Gaolers of the counties or districts respectively named in such order to deliver over and to receive the bodies of any person or persons named in such order.

And direct Sheriff to remove them.

2. It shall be lawful for the Governor in Council to direct in any such order that the Sheriff in whose custody the person or persons to be removed may then be, shall convey the said person or persons to the gaol of the county or district in which they are to be confined, and to direct the Sheriff or Gaoler of such county or district to receive the said person or persons, and to detain him or them until he or they shall be discharged in due course of law, or be removed for the purpose of trial to any other county or district.

Removal for trial into County where indictment is found.

3. If a True Bill for High Treason or Felony, except for Felony under the provisions of the Act of the present Session, chapter fourteen, shall afterwards be returned by any Grand Jury of the county or district from which any such person may have been removed, against any such person, it shall be lawful for the Court into which such True Bill shall have been returned, to make an order for the removal of any person against whom such bill shall have been found, from the gaol in

in which he shall then be confined, to the gaol of the county or district in which such Court may be sitting, for the purpose of his being tried in such county or district.

CAP. LXXV.

An Act respecting Penitentiaries, and the Directors thereof, and for other purposes.

[*Assented to 22nd May*, 1868.]

WHEREAS "The British North America Act, 1867," places the Penitentiaries of the Provinces forming the Dominion of Canada, under the control of the Government of Canada, and it is expedient to make provision for the proper management and maintenance of the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Act passed by the Legislature of the late Province of Canada, in the twenty-second year of Her Majesty's reign, being Chapter one hundred and ten of the Consolidated Statutes of the said Province, intituled: "An Act respecting "Inspectors of Public Asylums, Hospitals, the Provincial "Penitentiary of Canada, and of all Common Gaols and other "Prisons;" Cap. 110, Con. Stat. Can.—and

Also the Act passed by the said Legislature in the same year of Her Majesty's reign, being Chapter one hundred and eleven of the Consolidated Statutes of the said Province, intituled: "An Act respecting the Provincial Penitentiary of Ca-"nada," are hereby repealed; Cap. 111, Con. Stat. Can. repealed.

Also such parts of the Act passed by the Legislature of the Province of Nova Scotia, in the twenty-seventh year of Her Majesty's reign, intituled: "An Act for revising and consolida-"ting the statutes and laws of the Province," Part one, Title five, Chapter twenty-two,—and also such parts of the Act passed by the Legislature of the Province of New Brunswick, in the seventeenth year of Her Majesty's reign, intituled: "An Act to "revise and consolidate the Public Statutes of New Bruns-"wick," Part One, Title Sixteen, Chapter Ninety-one,—as relate to the Penitentiary in each of the said last mentioned Provinces and are inconsistent with the provisions of this Act, are hereby repealed. N. S., 27 V. c. 22, and N. B., 17 V. c. 91 repealed in part.

2.

Effect of repeal limited.

2. The repeal of the said Acts and of parts of Acts above set forth shall not operate so as to revive any former Act, or any part or portion of any former Act, of which the said Acts or parts of Acts may have been an amendment or amendments, nor shall such repeal affect anything heretofore done under the said Acts or parts of Acts, nor any claim, suit or action arising therefrom and now pending in any Court of Law or Equity in virtue of such repealed Act or parts of Acts, but such thing, claim, suit or action shall remain the same as if this Act had not been passed.

DIRECTORS.

Governor to appoint directors, chairman and secretary their general powers and duties.

3. It shall be lawful for the Governor to appoint not more than three persons to be Directors, who, subject to the instructions they may from time to time receive from the Governor, shall have the control and management of all the Penitentiaries in Canada, and of such other Prisons, Hospitals, Asylums, and other public institutions, as may from time to time be ordered by the Governor in Council and announced by Proclamation in the *Canada Gazette*, and of all prisoners and other persons confined therein or inmates thereof; and it shall be lawful for the Governor to appoint one of such persons to be their Chairman, and one of them, or one other person to act as Secretary, and from time to time to remove any of such persons to be so appointed, and to appoint another or others in his or their stead.

Meetings, quorum, &c.

4. The Chairman shall preside at all meetings of the Directors at which he is present, and in case of his absence the senior Director shall act as Chairman; Any two of the Directors shall constitute a *quorum*, for all purposes whatsoever; and in case of a difference of opinion arising between such two at a meeting, held at any Penitentiary, upon a special matter affecting such Penitentiary only, the Warden thereof may be called in, at the joint request of the Directors then sitting, to decide between them; But in case of a difference of opinion arising at a meeting held by any two Directors at any place other than a Penitentiary, the question shall lie over until the third Director shall be present.

Difference of opinion.

Minutes of proceedings.

5. The Chairman shall keep a regular minute of the proceedings of every meeting, which shall be read at the next ensuing meeting, before any other business is taken up, and, when approved, shall be signed by the Chairman of the meeting at which the said minute is so approved.

Directors to be Justices of the Peace for certain purposes.

6. Every one of the Directors shall by virtue of his office without any property qualification, be a Justice of the Peace for any and every District, County, City, or Town, of Canada, but shall have power to act in matters connected with the Criminal Law of Canada only.

7.

7. The Directors shall be responsible for the system of discipline and management pursued in the several Penitentiaries, but they shall have no direct executive power in the administration or conduct of the affairs of those Institutions, except as is provided by this Act. Responsibility &c., of directors.

8. The Directors shall have power, and it shall be their duty, to make rules and regulations for the Management, Discipline and Police of the Penitentiaries, and for the duties and conduct of the Wardens thereof, and of every other officer or class of officers or servants employed therein, and for the Diet, Clothing, Maintenance, Employment, Instruction, Discipline, Correction, Punishment and Reward of Convicts imprisoned therein, and to annul, alter or amend the same from time to time, subject to the approval of the Governor in Council, which rules and regulations so approved, the Wardens of the Penitentiaries, and every other officer and servant employed in or about the same, shall be bound to obey; Provided always, that until such rules and regulations are made as aforesaid, the rules and regulations existing in each Penitentiary at the passing of this Act shall remain in force; It shall also be the duty of the Directors to audit the accounts of the Wardens of the Penitentiaries, to inquire into all money transactions when requisite, exact a statement of all cash transactions every month, and administer to the Wardens and Accountants, the following Oath: To make rules and regulations for certain purposes. Proviso. Audit accounts. Oath of accountant.

I, , Warden, and I, , Accountant, of the Penitentiary, make oath and say that the foregoing Statement of Revenue and Expenditure on account of the Penitentiary, for the month of 18 are true and correct. Form.

Sworn before me, at the Penitentiary, the day of

Director.

POWERS OF THE DIRECTORS.

9. For the better enabling the Directors efficiently to discharge the duties herein set forth, or at any time ordered by the Governor, they and each of them shall have power,— Special powers of directors.

1. At all times to enter into, and remain within any Penitentiary or other public institution placed under their control as aforesaid, and have access to every part and portion of the same, and examine all papers, documents, vouchers, records and books of every kind belonging thereto,— Entry and examination of papers, &c.

2. To investigate the conduct of any officer or servant employed in or about any Penitentiary, or other public institution as aforesaid, or of any person found within the precincts thereof, Inquiries into conduct of officers, &c.

Summoning of witnesses.

thereof, and for that purpose the Directors shall have power to summon before them, or any one or more of them, any person by *subpœna* issued by any one of them, and to examine such person upon oath, which oath the said Directors or any one of them shall have power to administer, whether the fact relate to a breach of the law of the land or of the rules of the Prison, or to any matter affecting the interests of the Institution, and to compel the production of papers and writings before them or any one or more of them; and if any person duly summoned shall neglect or refuse to appear, at the time and place specified in the *subpœna* upon him legally served, or shall refuse to give evidence or to produce the papers demanded of him, the Directors or any one or more of them, may cause the said person by warrant under their or his hand, to be taken into custody and to be imprisoned in the common Gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days.

Penalty for not obeying summons.

SALARIES OF DIRECTORS.

Salaries as in Schedule.

10. The salaries of the Directors shall be as set forth in Schedule A, to this Act annexed.

ESTABLISHMENT OF PENITENTIARIES.

Penitentiaries described.

11. The Penitentiary situated near the City of Kingston, in the Province of Ontario, to be known as the Kingston Penitentiary, and the Penitentiary situated near the City of St. John, in the Province of New Brunswick, to be known as the St. John Penitentiary, and the Penitentiary situated near the City of Halifax, in the Province of Nova Scotia, to be known as the Halifax Penitentiary, together with all the land appertaining to the same, respectively, according to the respective metes and bounds thereof as now known and defined, and all the property thereon belonging to the same, are all and every one of them hereby declared to be Penitentiaries of Canada.

Governor may annex tracts of land to Penitentiaries as part thereof.

12. It shall be lawful for the Governor, in Council, at any time hereafter, if he shall see fit, to declare by proclamation, to be published in the *Canada Gazette*, that any tract of land within the Dominion, of which the boundaries shall be particularly defined in the proclamation, is a Penitentiary, and is to be so held within the meaning of this Act; and it shall be lawful for the Governor in Council to annul the same by any subsequent proclamation, published as aforesaid, declaring that the tract of land so established as a Penitentiary will cease to be so held and considered, from and after a certain day, to be named in said subsequent proclamation.

What shall be included as part of a Penitentiary.

13. Every Penitentiary now established, and every Penitentiary hereafter to be established by virtue of this Act, shall be held to include all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows or other vessels

for

for water carriage, being the property of such Penitentiary, or employed by hire or otherwise in its service, and likewise any wharf at or near the said Penitentiary, although not within the limits mentioned in the proclamation establishing the same, but used for the accommodation of such craft when so employed in or about any work or labor connected with such Penitentiary.

14. Every street, highway or public thoroughfare of any kind, along or across which it may be necessary that convicts should pass in going to and returning from their work, shall, while so used, be considered as a portion of the tract of land forming the Penitentiary; and any escape, or attempt at escape, and any rescue, or aid in rescue, shall be held as if such escape or attempt at escape, and such rescue or aid in rescue had taken place, within the Prison walls or Penitentiary limits. The like as to roads, &c.

15. It shall be lawful for the Directors to authorize the Warden of any Penitentiary, by an order passed at a full meeting, to construct rail or tram roads to communicate between any part of the Penitentiary and another, and to carry the same across, upon or along any public road or street intervening, in such manner, however, as to cause the least possible inconvenience to passengers or carriages using such road or street; But it shall not be lawful for the Warden of such Penitentiary to break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such order by the Directors, until after the lapse of one month, after a copy of such order, certified by the said Warden, shall have been served upon the officer or person charged with the care or supervision of such public road, along with a plan showing the line which such rail or tram roads are to occupy. Directors may authorize the construction of tram roads. Notice to municipality.

CONVEYANCE OF CONVICTS.

16. The Sheriff or Deputy Sheriff of any County or District, or any Bailiff, Constable, or other officer, or other person, by his direction, or by the direction of a Court, may convey to the Penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the Warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the Court before which the convict shall have been tried, and certified by a Judge or by the Clerk or acting Clerk of such Court. What shall be sufficient authority for conveying convicts.

17. In all cases where a prisoner is ordered by competent authority to be conveyed to any Penitentiary from any other Penitentiary, or from a Reformatory Prison, or from a Common Gaol, there shall be delivered to the Warden of the Penitentiary receiving such prisoner, along with all other necessary documents, a certificate signed by the medical officer of the Institution from which such prisoner has been taken, and countersigned When brought from any other penitentiary or gaol.

countersigned by the Warden if he shall have been taken from a Penitentiary or a Reformatory Prison, or by the Sheriff or his Deputy if from a Common Gaol, declaring that such prisoner is free from any putrid, infectious or cutaneous disease, and that he is fit to be removed.

CONVICTS TO BE RECEIVED.

Duty of Warden.

18. The Warden shall receive into the Penitentiary every convict legally certified to him, as sentenced to imprisonment therein, and shall there detain him, together with those already lawfully confined therein, subject to all the rules, regulations, and discipline thereof, until the term for which he has been sentenced be completed, or until he shall be otherwise discharged in due course of law.

REMOVAL FROM AND TO A PENITENTIARY.

Governor may authorize removal from or to any penitentiary.

Proceedings in such case.

19. It shall be lawful for the Governor by warrant signed by the Secretary of State for Canada, or by such other officer as may be, from time to time, authorized by the Governor in Council, to direct the removal of any convict from any one Penitentiary to another; and the Warden of the Penitentiary, having the custody of any convict so ordered to be removed, shall, when required so to do, deliver up the said convict to the constable or other officer or person who shall produce the said warrant; together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict as given to him on reception of said convict into his custody; and the constable or other officer or person shall give a receipt to the Warden for the convict, and shall thereupon, with all convenient despatch, convey and deliver up such convict with the said attested copy into the custody of the Warden of the Penitentiary mentioned in the warrant, who shall give a receipt in writing for every convict, so received into his custody, to such constable or other officer or person as his discharge; and the convict shall be kept in custody in the Penitentiary to which he has been so removed, until his removal to another Penitentiary, or until the termination of his sentence, or until his pardon or release, or discharge by law.

Detention of convict.

Powers of sheriff or officer conveying convicts to a penitentiary.

20. The Sheriff or other officer or other person employed by competent authority, to convey any convict to any Penitentiary to which such convict is ordered to be taken, either by sentence of a Court or by order of the Secretary of State, or other officer, as in the next preceding section mentioned, may secure and convey him through any County or District, through which he may have to pass in any of the Provinces of Canada; and until the convict has been delivered to the Warden of such Penitentiary, he shall have, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, the same authority and power over and with regard to such

such convict, and to command the assistance of any person in preventing his escape, or in re-capturing him in case of an escape, as the Sheriff of the territorial division, in which he was convicted, would himself have in conveying him from one part to another of that locality.

21. In any case, in which sentence of death has been passed upon any convict, by any Court in Canada, and the Governor, on behalf of Her Majesty, has been pleased to commute such sentence for imprisonment for life, or for any term of years, such commutation shall have the same effect as the judgment of a competent Court legally sentencing such convict to such imprisonment for life, or other term would have; And the Sheriff, or other officer, or other person having such convict in custody, on receipt of a letter from the Secretary of State, or such other officer as aforesaid, notifying him of the fact of such commutation, and directing him to convey such convict to a Penitentiary therein named, shall forthwith convey such convict thereto, and shall have the same rights and powers in conveying such convict to said Penitentiary, as if the conveyance took place by virtue of the sentence of a competent Court.

Power to convey a convict whose sentence has been commuted.

Duty of Sheriff, &c.

22. In order to commute any sentence of death as aforesaid for imprisonment for life, or for a term of years, it shall not be held to be necessary, nor to have been at any time necessary for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any Penitentiary, or for his reception and detention therein for the commuted period, that a copy of any pardon should be or should have been in the possession of the Warden of such Penitentiary; a letter, signed by the Secretary of State, or such other officer as aforesaid, notifying the Warden of the fact of such commutation, and of the term of years for which the sentence has been commuted, or for life, shall be and shall have been sufficient authority for the Warden to receive such convict into the Penitentiary, and to deal with him as if he had been sentenced by a competent Court to confinement therein for the period in said letter mentioned.

What shall be sufficient authority to the warden in such case.

23. Every prisoner who being ordered to be detained in any Penitentiary shall escape from the person or persons, having the lawful custody of such prisoner, when being conveyed thereto, shall be guilty of felony, and being convicted thereof, shall have not less than two years added to the original term of his imprisonment; And any prisoner who at any time shall break prison or escape, or attempt to escape from the custody of any officer, guard, or other servant of the Penitentiary while at work, or passing to or from work, either within or beyond the prison walls or Penitentiary limits, shall, on conviction thereof, be punished by an addition not exceeding three years to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence hereinafter mentioned,

Escape during conveyance to be felony.

Punishment of prisoners escaping or attempting to escape, while at work, &c.

mentioned, which he may have earned, and he may also be again confined in the Penal Prison or Solitary Cells, if any, attached to such Penitentiary, as in the Prison Rules may be prescribed.

Punishment for breaking prison or out of cell, &c.

24. Every prisoner in any Penitentiary, who at any time shall attempt to break prison, or who shall forcibly break out of his cell, or make any breach therein with intent to escape therefrom, whether successful or not, shall, on conviction thereof, be punished by an addition, not exceeding one year, to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence earned by him, and being again confined as in the last clause mentioned.

For assaulting any officer.

25. If any convict, confined in any Penitentiary, shall assault any officer or servant employed therein, he shall be guilty of at least an aggravated assault, and shall also forfeit the whole of the period of remission of sentence which he may have previously earned, and shall be again confined, as in the twenty-third section.

Rescuing or attempting to rescue any prisoner.

26. Every person who shall rescue or attempt to rescue any prisoner, while being conveyed to any Penitentiary, or while being imprisoned therein, or while passing to or from work at or near any Penitentiary, and every person who by supplying arms, tools or instruments of disguise or otherwise, shall in any manner aid any such prisoner in any escape or attempt at escape, shall be guilty of felony.

Keepers, &c., allowing prisoners to escape;

27. Every person having the custody of any such prisoner as aforesaid, or being employed by the person having such custody as a keeper, turnkey, guard or assistant, who shall carelessly allow any such convict to escape shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to fine or imprisonment or to both, at the discretion of the Court; And every such person as aforesaid, who shall knowingly or willingly allow any such convict to escape shall be guilty of felony.

Or allowing money, spirits, letters, &c., to be brought into the penitentiary.

28. Every officer, guard or servant of any Penitentiary, or any other person who shall bring in or carry out, or endeavour to bring in or carry out, or knowingly allow to be brought in or carried out to or from any convict, or carry to any convict while employed outside the prison walls, any money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsoever not allowed by the rules of the said prison, shall, if an officer or servant of the prison, be guilty of a misdemeanor, and may, if thought fit by the Warden or Deputy Warden, be apprehended and carried before a Justice of the Peace, who shall be empowered to hear and determine any such offence in a summary way, and every such officer, guard or servant or other person, upon conviction of such offence before a Justice of

Penalty, and how enforced.

of the Peace shall be liable to pay a penalty not exceeding one hundred dollars, or, in the discretion of the Justice, to be imprisoned in the Common Gaol, there to be kept at hard labour for any term not exceeding three months.

TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFORMATORY PRISONS.

29. In any case where a Juvenile Offender has been ordered by competent authority to be imprisoned in any Reformatory Prison, and after his being imprisoned therein has become incorrigible, it shall and may be lawful for the Lieutenant Governor of the Province in which the Reformatory Prison is situated, by a Warrant under his hand, addressed to the Warden of such Reformatory Prison, setting forth the sentence or order by which the Juvenile offender was imprisoned therein, and the fact that he is incorrigible, to direct that such Juvenile Offender be removed to any Penitentiary named in said Warrant; And the said Warden, or any other officer of the prison, or any other person authorized by him, shall have the same powers in conveying such Juvenile Offender to such Penitentiary as are hereinbefore given to a Sheriff or other person in like cases: May be removed from reformatory prison to penitentiary; Powers of Warden in such case.

And it shall and may be lawful for the Warden of the Penitentiary therein named, to receive such Juvenile Offender and deal with him for the unexpired term of the sentence or order by which he was ordered to be imprisoned in such Reformatory Prison, as if he had been sentenced to such Penitentiary by a competent Court; Provided that along with the said offender there be delivered to the Warden of the Penitentiary a copy of the said sentence or order, attested by the Warden of the Reformatory Prison, along with an order from the Lieutenant Governor aforesaid, directing the Warden of such Penitentiary to receive such Juvenile Offender. And dealt with as if sentenced to the penitentiary.

30. The Governor may, at any time, in his discretion, by warrant under his hand, cause any convict in a Penitentiary, whose sentence is for not less than two years, and who may appear to the Directors to be under sixteen years of age, and susceptible of reformation, to be transferred to the Reformatory Prison, if any there be, of the Province where such convict was sentenced, for the remainder of his term of imprisonment. Juvenile convicts may be removed to reformatory prison.

TREATMENT OF CONVICTS.

31. In the treatment of convicts in a Penitentiary, the following general rules shall be observed:— Rules.

1. Every convict shall, during the term of his confinement, be clothed at the expense of the Penitentiary, in suitable Prison garments; Clothing.

2.

Food.

2. He shall be fed on a sufficient quantity of wholesome food ;

Bedding.

3. He shall be provided with a bed and pillow with sufficient covering, varied according to the season ;

Labour.

4. Except during sickness or other incapacity, he shall be kept constantly at hard labor, the kind of which shall be determined by the Warden, every day not exceeding ten hours, exclusive of hours for meals, except Sundays, Good Friday and Christmas Day, and such other days as the Governor may set apart for days of fasting or thanksgiving, and such days as may be designated in the rules made by the Directors in that behalf;

Holidays for Roman Catholics.

5. No Roman Catholic convict shall be compelled to labor on any of the obligatory holidays of his Church ; that is to say, Circumcision, Epiphany, Annunciation, Corpus Christi, Saint Peter and Saint Paul, All Saints, Conception and Ascension;

Over hours and payment therefor.

6. The Warden may, if he see fit, permit a convict of exemplary conduct to work over hours at such work as can be conveniently done in the Institution, and at such rates as shall be fixed by the Directors, the value of which overwork, at said rates, may be paid either to the convict's family during his imprisonment, should he so desire it, or be credited to him in the books of the Institution to be paid him on his discharge, subject, however, to any general rules which the Directors may make upon the subject ;

Solitary confinement when not employed.

7. Every convict shall be kept in a cell by himself at night, and during the day when not employed, except in case of sickness.

PRISON OFFENCES.

Prison rules.

No talking allowed.

32. The Directors shall draw up a list of prison offences by way of general warning to the convicts as to their conduct in the prison, among which it shall specially be declared that no convict shall be permitted to speak to another convict upon any pretence whatever, nor to any officer or guard, or other servant of the Institution, except with respect to the work at which he is employed, and then only in the fewest words and in a respectful manner.

PUNISHMENTS.

Directors to make rules for discipline and correction.

Proviso :—

33. It shall be lawful for the Directors to make and from time to time to alter rules for the discipline and correction of convicts confined in any Penitentiary as hereinbefore provided; but in case any convict shall be accused of having committed any offence which, if proved, would be followed by the infliction of corporal punishment or a remand to the Penal Prison, where

where such Penal Prison may be established, it shall be the duty of the Warden to make investigation upon oath into the facts of the case, before awarding such punishment, and to make a minute of the evidence taken by him, to be laid before the Directors at their next meeting; Provided, also that no more than sixty lashes shall be inflicted upon any prisoner for any such offence.

Investigation in certain cases.

Proviso.

OFFICERS.

34. It shall be lawful for the Governor to appoint for any Penitentiary a Warden, a Deputy Warden, [who in the absence or incapacity of the Warden shall exercise all the functions of the Warden,] a Protestant Chaplain, an Assistant Protestant Chaplain when required, a Roman Catholic Chaplain, an Assistant Roman Catholic Chaplain when required, a Surgeon, and an Accountant, all of whom shall hold their offices during pleasure; and to employ an Architect for the Penitentiary; but the Directors shall have power summarily to suspend any of the above named officers for misconduct, until the circumstances of the case (of which the Governor shall be at once notified) have been decided upon by the Governor; and the Directors may, until such decision shall have been intimated to their Chairman, cause any officer so suspended to be removed beyond the precincts of the prison; and, generally, the Directors shall have power and it shall be their duty, to recommend the removal of any of the above-named officers whom they may deem incapable, inefficient or negligent in the execution of his duty, or whose presence in the Penitentiary they consider detrimental to the interests thereof.

What officers the Governor may appoint for each penitentiary.

Power of directors to suspend any officer.

35. It shall be lawful for the Directors to appoint for any Penitentiary, a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, and a Chief Keeper, (who, in the absence or incapacity of the Deputy Warden, shall exercise all the functions of such Deputy Warden,) a Matron, a Deputy Matron, and such and so many Trade Instructors and Keepers as may from time to time be required, to hold their offices during pleasure; but the Warden shall have power summarily to suspend for misconduct any of the officers named in this section, until the next meeting of the Directors, when he shall submit to them a report of the circumstances of the case, to be dealt with as to them may seem meet.

Directors to appoint certain officers.

Warden may suspend any of them.

36. It shall be lawful for the Warden to appoint for any Penitentiary, an Assistant Deputy Matron and a Clerk, and such and so many guards and other servants as by order of the Directors may be authorized, for the proper protection and care of the Institution, and to suspend any of them for neglect of duty, for such time as he shall see fit, or dismiss them, without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported to the Directors at their next meeting.

Warden may appoint certain officers, guards, &c., and suspend or dismiss them.

37.

As to pay in case of suspension.

37. The pay of every officer so suspended by the Directors, or by the Warden, shall cease during the period of his suspension, but the Directors shall nevertheless have power to direct payment of the same, if they see fit.

Fines for neglect of duty.

38. It shall be lawful for the Directors to impose a fine payable in money, upon any officer or servant appointed by them or by the Warden, for any act of negligence or carelessness by him committed, of such reasonable amount, not exceeding one month's pay, as the said Directors under the circumstances of the case may think fit.

Warden to be chief executive officer—his general powers and duties—must reside in the penitentiary

39. The Warden of a Penitentiary shall be the Chief Executive Officer of the same, and as such shall have the entire executive control and management of all its concerns, subject to the rules, regulations and written instructions from time to time duly made by the Directors, and in all cases not provided for, and where neither the said Directors nor any one of them can readily be consulted, the Warden shall act in such manner as he shall deem most advantageous for the Penitentiary, and he shall be held responsible for the faithful and efficient administration of the affairs of every department of the Institution; he shall reside in the Penitentiary, and shall receive such allowances of fuel and light as the Governor in Council may see fit to make.

DISCHARGE OF CONVICTS.

Convicts not to be discharged at certain times, except by their request.

40. No convict shall be discharged from a Penitentiary on the termination of his sentence, or otherwise, if labouring under any contagious or infectious disease; nor unless at his own request during the months of November, December, January, February or March, nor if labouring under any acute or dangerous disease; But he shall be permitted to remain in the Penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence;

Proviso.

Provided always that a convict remaining from any cause in a Penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired:

Order of discharge of convicts in April.

2. On the first day of April a list shall be made of all the prisoners whose sentences shall have expired during the five preceding months, and who may be still in prison, according to the dates when their sentences expired, and according to such order they shall be discharged, one convict on the said first day of April, and one on every day thereafter, until the whole shall have been discharged;

Sentence expiring on Sunday.

3. Whenever the term of any prisoner's sentence expires on a Sunday, he shall be discharged on the Saturday preceding, unless he desire to remain until the Monday following;

4.

4. Every convict under sentence for life or for not less than two years, upon his discharge, either by expiration of sentence, or otherwise, shall be furnished at the expense of the Penitentiary with a suit of clothing other than Prison clothing, and with such sum of money, as shall be sufficient to pay his travelling expenses to the place at which he received his sentence, and such other sum in addition, not exceeding twenty dollars, as the Warden may deem proper; Should any sum remain at his credit for earnings for overwork, such sum shall be paid to him at such times, and in such amounts as the Prison Rules may direct.

Clothing and money to convicts discharged.

Money due him.

PRISONERS' EFFECTS.

41. Every article found upon the person of a convict at the time of his reception into the Penitentiary, which may be considered worthy of preservation, shall be taken from him and a description thereof, entered in a Book to be kept for that purpose, and if the convict shall not see fit otherwise to dispose of it at the time, it shall be carefully put away until the day of his discharge, when it shall be delivered up to him again in the state in which it may then be, but the Warden shall not be liable for any deterioration which may have taken place in such article in the interval. If at the time of his reception the convict desire to dispose of any such article and it shall be so disposed of, a memorandum of the fact shall be noted in the said Book, and signed by the proper officer having charge of said Book, and also by the convict, and the money received therefor shall be placed to his credit.

Articles found on convict on entry to be kept for him.

PRIVILEGED VISITORS.

42. The following persons, other than the Directors, may visit any Penitentiary at pleasure, namely, the Governor General of Canada, the Lieutenant Governor of any of the Provinces composing the Dominion of Canada, any Member of the Privy Council of Canada, any Member of the Executive Council of any of the said Provinces, any Member of the Parliament of Canada or of any of the Local Legislatures, any Judge of any Court of Record in Canada or in any of the said Provinces, and any Queen's Counsel; but no other person shall be permitted to enter within the walls where the prisoners are confined, except by the special permission of the Warden, and under such regulations as the Directors may prescribe.

Who shall have the right of visiting.

43. Any person who shall be found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever belonging or pertaining to any Penitentiary, or shall enter the same, not being an officer or servant of the said prison, or authorized by leave of the Warden, shall, upon conviction thereof before a Justice of the Peace for the City, County or District in which such Penitentiary may be situated, be adjudged to pay a fine not exceeding for the first offence ten dollars,

Punishment of persons trespassing on penitentiary grounds.

to be recovered in the usual way, or in default of payment, then the offender may be sent to the common gaol, with or without hard labor, for any period not exceeding one month; and for a second or subsequent offence, the offender may be fined in any sum not exceeding fifty dollars, to be recovered in the same usual way, or in default, be liable to imprisonment, with or without hard labor, for a period not exceeding three calendar months.

CORONER'S INQUESTS.

Inquests on convicts dying in a penitentiary.

44. Whenever a convict dies in a Penitentiary, and the Directors or the Warden, or the Surgeon, or a Chaplain, have, or any one of them has reason to believe, that the death of such convict arose from any other than ordinary causes, it shall be their or his duty to call upon a Coroner having jurisdiction, to hold an inquest upon the body of such deceased convict, and upon such requisition by one or more of the officers above named, the said Coroner shall hold such inquest, and, for that end, he and the jury and all other persons necessarily attending such inquest, shall have admittance to the prison for that purpose.

DECEASED CONVICTS.

How the body shall be disposed of.

45. The body of every convict who dies in a Penitentiary shall, if claimed by the relatives of the deceased, be given up to and shall be taken away by them, but, if not so claimed, the body may be delivered up to an Inspector of Anatomy, duly appointed under any Act authorizing such appointment, or to the Professor of Anatomy in any College wherein medical science is taught, or if not so delivered shall be decently interred at the expense of the Institution.

FEMALE PRISON AND PRISONERS.

Separate prison and female officers.

46. The female convicts shall be kept distinct and secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Directors may, from time to time, see fit to order to be employed, reference being had to the number of such convicts, and the kinds of work in which they may be engaged.

MISCELLANEOUS PROVISIONS.

Exemption of officers, &c., from certain services.

47. The Warden and every officer and servant employed permanently in a Penitentiary shall, during his continuance in office, be exempt from serving as a militiaman, except within the bounds of the Penitentiary.

Security to be given by officers, &c.

48. Every Warden, every Accountant, every Storekeeper, and every Steward, shall severally execute bonds to Her Majesty,

Majesty, with sufficient sureties, that is to say, the Warden in the penal sum of eight thousand dollars, the Accountant in the penal sum of four thousand dollars, and the Storekeeper in the penal sum of two thousand dollars, and the Steward in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of their respective offices, according to law, which bonds shall be filed in the office of the Secretary of State of Canada.

49. Every Warden, and every other officer and servant employed permanently in a Penitentiary, shall severally take and subscribe in a Book to be kept for that purpose by the Accountant in his office, the oath of allegiance to Her Majesty, and the following oath of office, viz: Oath of allegiance to be taken by them.

"I (A. B.,) do promise and swear that I will faithfully, diligently and justly serve and perform the office and duties of in the Penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the regulations of the Prison. So help me God. Form.

Which oaths any one of the Directors is hereby authorized to administer. Before whom.

50. No Director, Warden, or other officer or servant employed in a Penitentiary, shall either in his own name or in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions for the use of any Penitentiary, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of five hundred dollars, with full costs of suit, to any person who shall sue for the same in any of Her Majesty's Courts in the Province in which such Penitentiary is situated. Directors, &c., not to be contractors. Penalty.

51. No Warden, officer, or servant, excepting the Surgeon, shall be allowed to carry on any trade or calling of profit or emolument other than his office in the Penitentiary; nor shall any officer buy from or sell to or for any convict, any thing whatever; or take or receive for his or her own use, or for that of any other person, any fee or gratuity or emolument from any convict or visitor or any other person; nor shall he employ any convict in working for him. Warden, &c., not to exercise any other calling.

52. It shall be lawful for the Governor in Council, from time to time to fix the sum to be annually paid to the Warden and the other officers and servants of any Penitentiary established under the provisions of this Act, regard being had to the number of convicts confined therein, and the consequent responsibility attaching to their offices respectively, and to the length of service and amount of labour devolved upon them; but such salaries shall not exceed the sums specified in the Schedule B, hereto annexed. Governor to fix remuneration of Warden and other officers, not exceeding sums in the schedule.

Warden to be a corporation sole, &c.

53. The Warden shall be a corporation sole known by the name of the " Warden of the Penitentiary," (designating the place as named in this Act, or named in any proclamation establishing a Penitentiary), and by that name he and his successors shall have perpetual succession, and may sue and be sued, may plead and be pleaded unto in any of Her Majesty's Courts.

Contracts, &c., to be in his name.

Personalty to be held by him.

54. All dealings and transactions on account of any Penitentiary, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the Institution, or for the sale of goods prepared or manufactured by the Institution, shall be entered into and carried out in the corporate name of the Warden, and all personal property belonging to the same shall be held in the corporate name of the Warden for behoof of Her Majesty.

Real property how vested and managed.

55. The real property of every Penitentiary, as well as all the other property thereto belonging shall remain vested in Her Majesty, but the Warden and his successors in office shall have the custody and care thereof under the provisions of this Act, and all such property real and personal shall be exempt from all taxes.

ARBITRATORS.

Arbitration in case of difference between warden and contractors, &c.

56. Whenever any difference shall arise between the Warden, and any person having dealings with him on account of the Penitentiary, such difference may, by order of the Directors and the consent of the party in difference, be referred either to one Arbitrator, selected by the Warden and the party in difference, whose decision shall be final, or to three Arbitrators, one of whom shall be named by the Warden, and another by such other person, and a third by the two so named as aforesaid, and the award of any two of them shall be final.

Warden to collect debts, &c.

57. The Warden of a Penitentiary shall exercise due diligence in enforcing the payment of debts due to the Penitentiary, and with as little expense as possible to the Institution, but he may, on the report of the Directors, sanctioned by the Governor in Council, accept of such security from any debtor on granting time, or such composition in full settlement, as may be thought conducive to the interests of the Institution.

Books, accounts, &c., to be property of the institution.

Reports.

58. All Books of Account and other Books, Bills, Registers, Returns, Receipts, Bills of Parcels and Vouchers, and all other papers and documents of every kind relating to the affairs of the Penitentiary, shall be considered the property of the Institution and shall remain therein; and the Warden shall preserve therein at least one set of copies of all official Reports made to the Parliament respecting the same, for which purpose and for the purpose of enabling him to distribute such official Reports in

in exchange for like documents from other similar Institutions abroad, he shall be furnished by the Clerk of the House of Commons with fifty copies of such Reports as printed by Order of the House, and so soon as they are printed.

59. No raft, boat, vessel or craft of any kind, shall moor or anchor within three hundred feet of the shore or wharf bounding the lands of any Penitentiary towards any lake, arm of the sea, bay or river, without the permission of the Warden thereof, being first had and obtained; and any person violating the provisions of this section shall upon conviction thereof, before a Justice of the Peace, be subject to a penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or craft in whomsoever the property thereof may be, as well as on the offender's own goods and chattels, and in default of payment of the same with the costs of suit, he shall be imprisoned at hard labor for a period not exceeding two months.

Penalty on vessels mooring, &c., on penitentiary wharves, &c.

LIQUORS.

60. No spirituous or fermented liquors shall on any pretence whatever, be brought into the Penitentiary for the use of any officer or person in the Institution, except the Warden or Deputy Warden if the latter shall be resident therein, or for the use of any convict confined therein, except under the Rules of the Institution; and any person giving any spirituous or fermented liquor, or tobacco, or snuff, or cigars to any convict, except under the Rules of the Institution, or conveying the same to any convict, shall forfeit and pay the sum of forty dollars to the Warden to be by him recovered for the use of the Prison, in any Court of competent jurisdiction.

No spirits or tobacco allowed.

Penalty.

PENAL CELLS.

61. Whereas no system of discipline in a Penitentiary can be effectual for punishment, or for reformation of the criminal, unless it be combined with strict separate confinement during some period of the time for which the Court has sentenced him to be imprisoned, and it is therefore expedient that provision should be made in all the Penitentiaries named in this Act, and in all others hereafter to be established by virtue of this Act, for the separate confinement of every convict for a certain period of the time mentioned in the sentence of the Court by which he has been tried; therefore:

Recital.

It shall be lawful for the Governor, whenever he shall deem it expedient, to order that such and so many Penal Cells shall be constructed from time to time at any Penitentiary, as he may see fit.

Penal cells may be constructed.

SHORTENING

SHORTENING OF SENTENCE.

Notes of behaviour of convicts to be kept, and for what purpose.

62. In order to encourage convicts to good behaviour, diligence and industry, and to reward them for the same, it shall and may be lawful for the Directors of Penitentiaries to make rules and regulations, under which a correct record may be kept of the daily conduct of every convict in any Penitentiary, noting his industry, diligence and faithfulness in the performance of his work, and the strictness with which he observes the prison rules; with a view to permit such convict under the prison rules to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding five days for every month, during which he shall have been exemplary in industry, diligence and faithfulness in his work, and shall not have violated any of the Prison Rules.

Case of sickness provided for.

If any convict be prevented from labour by sickness or any other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to two and a half days remission from his sentence every month.

ROCKWOOD LUNATIC ASYLUM.

Cap. 108 of Con. Stat. Can. repealed.

63. The Act passed by the late Province of Canada, in the twenty-second year of Her Majesty's reign, being chapter one hundred and eight of the Consolidated Statutes of the late Province of Canada, intituled: *An Act respecting a Lunatic Asylum for Criminal Convicts*," is hereby repealed.

Rockwood Asylum to be part of the Penitentiary;

64. It is hereby declared, that the Lunatic Asylum situated at Rockwood, near Kingston, in the County of Frontenac, in the Province of Ontario, together with all the tract and parcel of land belonging thereto, as now known to be measured and bounded, and all buildings on the said piece of land erected, or hereafter to be erected, shall be, and form part of the Kingston Penitentiary, and be called "Rockwood Asylum.',

And any further ground acquired for it.

65. Every piece or parcel of land hereafter to be acquired by Her Majesty, for the uses and purposes of Rockwood Asylum, upon proclamation by the Governor, published in manner herein above set forth, defining the limits and boundaries thereof, shall also form part of the Kingston Penitentiary.

Duties and powers of directors as to asylum.

66. It shall be lawful for the Directors to have, use and exercise all the privileges and powers granted to them by this Act, and they shall perform all the duties made incumbent upon them hereby, with respect to the government, management and maintenance of Rockwood Asylum, and of the lunatics confined therein, as are conferred or rendered obligatory upon them with respect to Penitentiaries, subject to such instructions as shall be from time to time by them received from the Governor.

67.

67. In case of a difference of opinion between two Directors at any Meeting at the said Asylum, at which no more than two are present, upon a special matter affecting the Asylum only, the Medical Superintendent may be called upon at the joint request of such Directors to decide between them.

In case of difference of opinion of two Directors.

68. Should it at any time appear to the Surgeon of the Kingston Penitentiary, that any convict confined therein is insane, and that it is desirable that such convict should be removed to Rockwood Asylum, he shall report the fact to the Warden of the Penitentiary, who upon receipt of such report, shall immediately desire the Medical Superintendent of Rockwood Asylum to meet the said Surgeon of the Penitentiary, at the said Penitentiary, at an early day by the Warden fixed for the purpose, and the Surgeon and the Medical Superintendent shall consult together, and determine as to the sanity or insanity of such convict, either at their first or at any subsequent consultation as they may see fit, and should they be jointly of opinion that such convict is of unsound mind and ought to be removed to Rockwood Asylum, they shall report the same in writing to the Warden of the Penitentiary, on which Report the said Warden shall forthwith remove such convict to Rockwood Asylum, and shall report the whole proceedings taken in the case to the Directors at their next meeting at the Penitentiary; and such convict shall be received into Rockwood Asylum, and be there safely kept, until he shall be remanded back to the Penitentiary, or until the expiration of his sentence, or until otherwise discharged, as hereinafter provided.

Removal of insane convicts to the asylum; how to be determined and effected.

69. If at any time before the termination of the sentence of such convict, it be certified to the said Warden by the Medical Superintendent of Rockwood Asylum, that such convict has recovered his reason, and is in a fit state to be sent back to the Penitentiary, the said Warden shall desire the Surgeon of the Penitentiary to meet the said Medical Superintendent at Rockwood Asylum, and after examination of such convict by the said Surgeon and Medical Superintendent, if they shall jointly be of opinion that such convict has again become of sound mind, they shall make report of the same to the Warden, who thereupon shall convey such convict back to the Penitentiary, therein to be detained until the expiration of his sentence.

Case of recovery of convict before the expiration of his sentence.

70. If the term of imprisonment of any convict shall expire while such convict is detained in Rockwood Asylum as insane, he may nevertheless continue to be detained therein, but the fact of and reason for his detention shall be notified in writing by the Medical Superintendent to the Secretary of State, and to the Warden.

Expiration thereof while still in the Asylum.

71. Should the said Convict at any time after the termination of his sentence become of sound mind, it shall be the duty

Convict becoming sane after expira-

tion of his sentence.

duty of the Medical Superintendent, thereupon, to discharge him and to report the fact to the Secretary of State, or if at any time after the termination of his sentence and before his recovery, it shall seem fit to the Governor to order his being given up to any person or persons named in a warrant signed by the Secretary of State, the Medical Superintendent shall, upon receipt thereof, deliver the said convict to such person or persons, and the receipt of such person or persons for the body of such convict, shall be sufficient discharge to the said Medical Superintendent.

Governor in Council may order other lunatics to be received at Rockwood Asylum.

72. It shall be lawful for the Governor, by Order in Council, to direct that the Rockwood Asylum may be used as the Asylum or place for the safe keeping and treatment of any lunatic or class of lunatics, (in addition to the Insane Convicts from the Kingston Penitentiary) to be named or specially designated in such Order in Council, and upon such terms and conditions as shall be therein set forth; and a certified copy of such Order in Council shall be communicated by the Secretary of State to the Medical Superintendent of the Asylum, and to the Chairman of the Directors.

Officers of Rockwood Asylum.

73. It shall be lawful for the Governor to appoint the following officers of Rockwood Asylum, to wit:

The Medical Superintendent; the Assistant Medical Superintendent, (whenever there shall be a sufficient number of lunatic patients in the Asylum as, in the opinion of the Governor, to render the services of such an officer required) and the Accountant; and it shall be lawful for the Directors to suspend from office any one of the officers named in this section for misconduct, incapacity or inefficiency, but they shall make immediate report of such suspension and the cause thereof to the Secretary of State, for the information of the Governor, and such officer shall be and remain so suspended until the pleasure of the Governor shall be made known to the Chairman of Directors.

Appointment of Steward.

74. It shall be lawful for the Directors to appoint a Steward for said Asylum, who may for cause, be suspended from office by the Medical Superintendent, by whom report of the facts of the case shall be made to the Directors, at their next meeting for their consideration and decision.

Male and female officers.

75. It shall be lawful for the Medical Superintendent to appoint a Matron and such and so many other male and female officers, with the consent in writing of the Directors, as the Directors may consider necessary for the service of the Institution, any of whom may be removed by the Medical Superintendent at pleasure, or by the Directors for cause.

76. The salary of the Medical Superintendent shall be as set forth in Schedule B., to this Act annexed, and he shall receive such allowance for fuel and light as to the Governor in Council may seem fit. Salary of Medical Superintendent.

77. It shall be lawful for the Governor in Council, to fix such salaries and allowances to the officers of the Rockwood Asylum other than the Medical Superintendent, as the Governor may from time to time think reasonable, regard being had to the number of insane persons confined in the Asylum, and to the officer's length of service. Salaries and allowances of him and others.

78. This Act may be cited as "The Penitentiary Act of 1868." Short Title.

SCHEDULE A.

Two Senior Directors, each	$2,000
One Junior Director, to act as Secretary	2,000

SCHEDULE B.

Warden, not exceeding		$2,600
and not less than	$1,000	
Deputy Warden, not exceeding		1,400
and not less than	600	
Chief Keeper, not exceeding		800
and not less than	500	
Chaplains, each, not exceeding		1,200
and not less than	400	
Assistant Chaplains, not exceeding		500
and not less than	300	
Surgeon, not exceeding		1,200
and not less than	400	
Accountant, not exceeding		1,000
and not less than	500	
Architect, for the Penitentiaries		1,200
Schoolmaster, not exceeding		600
and not less than	250	
Storekeeper, not exceeding		700
and not less than	400	
Steward, not exceeding		650
and not less than	400	
(If the above two offices be combined, the salary may be that of the Storekeeper.)		
Trade Instructor, not exceeding		700
and not less than	500	

Keeper

Keeper, not exceeding		$500
and not less than	400	
Guard, not exceeding		450
and not less than	350	
Other Male Servants, not exceeding per day		1
Matron, not exceeding		500
and not less than	250	
Deputy Matron, not exceeding		300
and not less than	200	
Assistant Deputy Matron, not exceeding		250
and not less than	175	
School Mistress, not exceeding		250
and not less than	120	
Officers of Rockwood Asylum.		
The Medical Superintendent, not exceeding		2,000
and not less than	1,600	

CAP. LXXVI.

An Act to provide for taking Evidence in Canada in relation to civil and commercial matters pending before Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS it is expedient that facilities be afforded for taking evidence in Canada, in relation to civil and commercial matters pending before Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Order may be made in Canada for examination therein, of any witness or party in relation to any civil or commercial matter pending before any British or foreign tribunal.

1. Where upon an application for that purpose it is made to appear to any Court or Judge having authority under this Act, that any Court or Tribunal of competent jurisdiction, in any other of Her Majesty's Dominions, or in any foreign country, before which any civil or commercial matter is pending, is desirous of obtaining the testimony in relation to such matter of any party or witness within the jurisdiction of such first mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge, in their or his discretion to order the examination upon oath, upon interrogatories, or otherwise before any person or persons named in such order of such party or witness accordingly, and by the same or any subsequent order to command the attendance of such party or witness for the purpose of being examined, and for the production of any writings or other documents to be mentioned in such order, and of any other writings or documents relating to the matter

matter in question that may be in the possession or power of such party or witness.

2. Upon the service upon such party or witness of such order and of an appointment of a time and place for the examination of such party or witness, signed by the person named in such order for taking the same, or if more than one person be named then by one of the persons named, and upon payment or tender of the like conduct money as is properly payable as upon attendance at a trial, such order may be enforced in like manner as an order made by such Court or Judge in a cause depending in such Court or before such Judge. **When served, &c., in what manner, and on what conditions to be enforced.**

3. Every person whose attendance shall be required in manner aforesaid shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial. **Conduct money and payment for expenses.**

4. Any person examined under any order made under this Act shall have the like right to refuse to answer questions tending to criminate himself and other questions which a party or witness as the case may be in any cause pending in the Court by which, or by a Judge whereof, such order is made, would be entitled to, and no person shall be compelled to produce under any such order any writing or other document that he could not be compellable to produce at a trial of such a cause. **Witness to have like right of refusal to answer questions and produce documents as on a trial.**

5. It shall be lawful for any person authorized to take the examination of parties or witnesses by any order made in pursuance of this Act to take such examination upon the oath of the parties or witnesses, or upon affirmation in cases where by the law of the Province wherein such examination is taken, affirmation is allowed instead of oath; such oath or affirmation to be administered by the person so authorized, or if more than one, then by one of such persons; and if upon such oath or affirmation, any person making the same, wilfully and corruptly gives any false evidence, every person so offending shall be deemed and taken to be guilty of perjury. **Examination to be upon oath or affirmation.** **Persons giving false evidence to be guilty of perjury.**

6. The Court of Appeal for Canada, in the event of such Court being constituted, and the Superior Courts of Common Law or Equity in any Province in Canada, and any Judge of such Courts shall respectively be Courts and Judges having authority under this Act; and the said Courts may respectively frame rules and orders in relation to Procedure to the evidence to be produced in support of the application for an order for examination of parties and witnesses under this Act, and generally for carrying this Act into effect; and in the absence of any order in relation to such evidence, letters rogatory from any Court of Justice in any other of the Dominions of Her Majesty, or from any foreign tribunal, in which such civil or commercial **Certain Courts and Judges to have authority under this Act; and may frame rules, &c.**

commercial matter may be pending, shall be deemed and taken to be sufficient evidence in support of such application.

Act not to affect powers of any Local Legislature for a like purpose.

7. This Act shall not be so construed as to control or interfere with the right of legislation of the Legislature of any Province requisite or desirable for the carrying out the objects hereof.

CAP. LXXVII.

An Act to enable Her Majesty to provide for the Widow and Children of the late Honorable Thomas D'Arcy McGee.

[*Assented to 22nd May*, 1868.]

Most Gracious Sovereign:

Preamble.

WE, Your Majesty's dutiful and loyal subjects, the Commons of Canada in Parliament assembled, having taken into consideration the Message of His Excellency the Governor General, bearing date the Fourteenth day of April, in the year of Our Lord, one thousand eight hundred and sixty-eight, wherein His Excellency is pleased to state, that being deeply impressed with the severe loss which the country has sustained, in consequence of the Murder of the Honorable Thomas D'Arcy McGee, and being desirous of marking his sense of the public and private virtues of Mr. McGee, and of affording relief and assistance to his afflicted Family, His Excellency recommends to the House of Commons to enable him to make such provision for the Widow and Family of the Honorable Thomas D'Arcy McGee, as to the liberality of Parliament may seem proper, and having resolved to grant to Your Majesty the sums hereinafter mentioned, to enable Your Majesty to make the provision recommended by His Excellency's Message, do most humbly beseech Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that—

Annuity to the widow of the Hon. T. D. McGee.

1. An annuity or yearly sum of twelve hundred dollars of lawful money of Canada, shall be issued and payable out of and charged and chargeable upon the Consolidated Revenue Fund of Canada, free and clear of all taxes and deductions to Mary Theresa McGee, the widow of the said Thomas D'Arcy McGee, for and during the natural life of the said Mary Theresa McGee, which annuity shall commence from the seventh day of April, in the year of our Lord, one thousand eight hundred and sixty-eight, and the first payment on account of the same shall be computed from the seventh day of April to the thirtieth day of June, one thousand eight hundred and sixty-eight, and from thence the said annuity shall be paid by half yearly payments, on the first day of January and the first day of July in each

each year, and a rateable payment of the said annuity to be computed from the last half yearly payment before the death, until the day of the death of the said Mary Theresa McGee, shall on such death be paid to her executors, administrators or assigns.

2. The sum of eight thousand dollars of lawful money of Canada shall be paid out of any of the aids or supplies granted for the service of the year one thousand eight hundred and sixty-eight, free and clear of all taxes and other deductions whatsoever, to the Minister of Finance, for the time being, in two separate sums, of four thousand dollars each, in trust for the use of each of the two children of the said Thomas D'Arcy McGee, namely, Mary Euphrasia McGee and Agnes Clara McGee, in such manner as the Governor in Council shall direct.

Sum granted for the children of said T. D. McGee.

3. Until such sum of eight thousand dollars shall be so paid to the Minister of Finance as aforesaid, there shall be paid to the Minister of Finance, for the time being, from time to time, out of the said Consolidated Revenue Fund, in trust as aforesaid, interest for such sum of eight thousand dollars, at the rate of six per centum per annum, clear of all deductions, and such interest shall commence and take effect from the said seventh day of April, one thousand eight hundred and sixty-eight, the first payment of interest to be computed and made rateably from the said seventh day of April, to the said thirtieth day of June, one thousand eight hundred and sixty-eight, and from thence such interest to be payable half yearly, on the first day of January and the first day of July in each year, until such sum of eight thousand dollars shall be so paid as aforesaid, and any fraction of any half yearly payment of such interest shall be computed and paid to the day of such payment of the principal.

Interest on such sum until paid.

When such interest shall commence.

4. The acquittance or acquittances, receipt or receipts of the said Mary Theresa McGee, for the said annuity or yearly sum of one thousand two hundred dollars, and of such person as may be directed by the Governor in Council as the person to acquit the warrant for payment of the said sum of eight thousand dollars, or any part thereof, or of the interest thereon, or any part thereof, shall be a good and sufficient discharge for the payment of the said annuities or yearly sums or interest respectively, and the same shall be free and clear from all taxes, impositions and other public charges whatsoever, in respect of the same.

Receipts for sums paid.

5. A detailed account of the moneys expended under the authority of this Act, shall be laid before the House of Commons during the first fifteen days of the Session of Parliament next after such expenditure.

Accounting clause.

CAP.

CAP. LXXVIII.

An Act to annex a portion of the Seigniory of Bélair to the County of Quebec, and another portion thereof to the County of Portneuf.

[*Assented to 22nd May*, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Part of Seigniory of Bélair, annexed to the County of Quebec.

1. That portion of the fourth and fifth ranges of the Seigniory of Bélair, comprised between the Seigniory of Gaudarville on one side, and on the other side the land of Joseph Laurin, Esquire, in the fourth range, and the land of Jean Cliche, in the fifth range, both lands included, which by an Act passed in the first Session of the Legislature of the Province of Quebec, intituled: *An Act to annex a portion of the Seigniory of Bélair to the Parish of St. Ambroise, and another portion thereof to the Parish of St. Catherine*, is now annexed to and forms part of the Parish of St. Ambroise, and of the County of Quebec, for all civil and political purposes whatever in the said Province of Quebec, shall also form part of the Electoral District of the County of Quebec, for electoral and all other purposes, in the Dominion of Canada.

Another part thereof annexed to the County of Portneuf.

2. That portion of the fourth and fifth ranges of the Seigniory of Bélair, comprised between the said lands of Joseph Laurin, Esquire, and Jean Cliche, exclusively, on one side, and the Seigniory of Fossambault on the other side, which by the said Act of the Legislature of the Province of Quebec, is annexed to and forms part of the said Parish of St. Catherine, and of the County of Portneuf, for all civil and political purposes whatever in the Province of Quebec, shall also form part of the Electoral District of the County of Portneuf, for electoral and all other purposes in the Dominion of Canada.

CAP. LXXIX.

An Act to amend "An Act to provide for the improvement and management of the Harbour of Quebec," and the Act amending the same.

[*Assented to 22nd May*, 1868.]

Preamble.

Province of Canada, 22, Vic. Ch. 32.

WHEREAS it is expedient to amend the Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, chapter thirty-two, intituled: *An Act to provide for the improvement and management of the Harbour of Quebec*: Therefore, Her Majesty, by and

and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The third section of the said Act, twenty-second Victoria, chapter thirty-two, is hereby amended, so that three Commissioners to be constituted and appointed by the Governor, by an instrument under the Great Seal, and two Commissioners to be elected by the holders of Bonds of the Quebec Harbour Commissioners, as hereinafter provided, shall be and are hereby substituted for and shall be the Commissioners mentioned in the said Act. **How Commissioners shall be appointed in future.**

2. The said five Commissioners shall be so appointed and elected for two years from the fifteenth day of July next, until which day the present Commissioners shall remain in office, and shall be replaced by five Commissioners at the end of the said two years, to be appointed or elected in like manner and so on at the expiration of every second year, provided that all or any of the said Commissioners shall be eligible for re-appointment or re-election. **Term of office.**

3. The said bondholders shall meet on the first Monday of July, one thousand eight hundred and sixty-eight, and on the first Monday in July of every second year thereafter, at the office of the Quebec Harbour Commissioners, at two o'clock in the afternoon, to elect and name, and shall elect and name, the two elective Commissioners mentioned in the second section of this Act, and for the purposes of this election each of the said bondholders shall have one vote for every five hundred dollars of bonds or debentures so held by him, and no sum less than five hundred dollars shall entitle the holder thereof to any vote, and any such vote may be given by attorney or proxy; and the Chairman of said meeting and the Secretary thereof, having been chosen by the meeting, shall certify the said election to the Secretary of State of Canada, and to the Secretary of the Quebec Harbour Commissioners; and should the said first Monday of July be a legal holiday, then the said election shall be held and take place on the next juridical day thereafter, and one week's notice of every such meeting shall be given in two newspapers published in the city of Quebec, by one of the Commissioners appointed by the Governor in Council; the quorum of Bondholders shall be not less than one hundred thousand dollars in value, present in person or by proxy, and if any such election should fail to be made in pursuance of any such notice as aforesaid, such election may be made on any subsequent day after like notice; and in case of the failure of any election, and in case of any vacancy, the remaining Commissioner or Commissioners shall act until such election is made, or such vacancy filled. **Meeting of Bondholders to elect.** **Votes in person or by proxy.** **Day of Election and notice** **Quorum at meeting.** **Provision in case of failure of election, &c.**

4. The power, given by the eighth section of the said Act, of borrowing sums of money and issuing debentures or bonds, is **Borrowing power limited.**

is hereby limited to the sum of eight hundred thousand dollars, in the whole, including any sum already borrowed, and the Quebec Harbour Commissioners shall have power to issue new bonds or debentures, to redeem debentures or bonds becoming due, but such new debentures or bonds, or the proceeds thereof, shall be employed to no other purpose than that of redeeming the said debentures or bonds so becoming due.

Chairman of Commissioners.

5. The said Commissioners shall select from amongst themselves their Chairman, and shall fill any vacancy occurring in their number, and the person or persons so selected to fill the vacancy or vacancies shall be a Commissioner for the remainder of the period for which his predecessor had been appointed or elected, and no longer; and the said Commissioners as Commissioners or Chairman shall be entitled to and receive no salary, fee or emolument.

Commissioners not to be paid.

Public Act.

6. This Act shall be construed as one Act with the Act first above cited and amended, and with any Act amending the same.

CAP. LXXX.

An Act to incorporate the Stratford Board of Trade.

[*Assented to 22nd May,* 1868.]

Preamble.

WHEREAS John A. Scott, J. S. Rutherford, C. James, P. J. Southwick, Robert Rutherford, Charles H. Ransom, L. Hayward, A. Marshall, John Ross, P. R. Jarvis, John Innes, John Dutton, James Hogg, W. Porteous, A. Williamson, William Workman, John J. Clark, R. J. Hutor, James Morrison, P. Whelihan, James Gordon, G. Horne, J. R. Williamson, Thos. Miller, S. R. Fuller, S. S. Fuller, R. MacFarlane, and James Redford and others hereinafter named, residents in the Town of Stratford, have by their petition to the Legislature represented that they have associated themselves together for some time past for the purpose of promoting such measures as they have deemed important towards developing the general Trade and Commerce of this Dominion and the Town of Stratford in particular, and have further represented that the said Association would be more efficient in its operations should an Act of Incorporation conferring certain powers on them and their successors be granted; and whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation and general powers.

1. The said John A. Scott, J. S. Rutherford, C. James, P. J. Southwick, Robert Rutherford, Charles H. Ransom, L. Hayward, A. Marshall, John Ross, P. R. Jarvis, John Innes,

Innes, John Dutton, James Hogg, W. Porteous, A. Williamson, William Workman, John J. Clark, R. J. Hutor, James Morrison, P. Whelihan, James Gordon, G. Horne, J. R. Williamson, Thomas Miller, S. R. Fuller, S. S. Fuller, R. MacFarlane and James Redford and such other persons residents in the Town of Stratford as are or shall be associated with the persons above named, for the purpose of this Act, in the manner hereinafter provided; and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Stratford Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all Courts of Law and Equity and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a Common Seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate real or personal to acquire instead thereof; Provided, always, that the clear annual value of the real estate held by the said Corporation at one time shall not exceed five thousand dollars; and provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act, or may be necessary for carrying the same into effect according to its true intent and meaning.

Proviso: as to property.

Proviso: corporate powers limited to purposes of Act.

2. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful Trade and Commerce of this Dominion generally, and of the Town of Stratford in particular, or as may be necessary to attain the objects for which the said Corporation is constituted according to the true intent and meaning of this Act.

Application of funds.

3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said Corporation shall be held to be sufficient service of such notice or process on the Corporation.

Domicile.

4. For the management of the affairs and business of the said Corporation, there shall be a Council to be called, "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Secretary and twelve other members of the said Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

Council of the Corporation.

Presiding officers and members of the Council.

5. The said John A. Scott shall be President, the said J. S. Rutherford shall be Vice-President, the said Robert J. Hutor the Secretary, and the said Peter R. Jarvis, Charles James, James Hogg, Patrick Whelihan, Charles H. Ransom, James Redford, William Buckingham, Adam H. Ayer, Walter Marshall, Robert MacFarlane, John P. O. Higgins, Thomas Miller, the other members of the Council until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

General meeting and elections:— Notice.

6. The members of the said Corporation shall hold a general meeting every three months, that is to say on the last Friday in January, April, July and October, at some place within the Town of Stratford, of which notice naming the time and place shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise, as may be thought necessary by the said Council; and at the general meeting on the last Friday in the month of April, the members of the said Corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the Corporation from among the members of the Corporation, one President, one Vice-President and the Secretary and twelve other members of the Council, who, with the President, Vice-President and Secretary shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead, at the next general meeting in the month of April as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the Corporation; provided always, that if the said election shall not take place on the last Friday in the month of April, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had.

Term of office.

Proviso: in case of failure of any election

Vacating seats in certain cases.

7. If any member of the said Council shall die or resign his office, or be absent for four months continuously from the meetings of the said Council, it shall be lawful for the said Council, at any meeting thereof to elect a member of the said Corporation to be a member of the said Council in the place of the member so dying or resigning, or being absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer unless re-elected.

New members.

Quorum of Council.

8. At any annual or general meeting of the said Corporation whether for the purpose of electing members of the Council or for

for any other purpose, a majority of members present at such meeting, shall be competent to do and perform all acts which, either by this Act, or by any by-law of the said Corporation are or shall be directed to be done at any such general meeting.

9. Any member of the said Corporation intending to retire therefrom, or resign his membership may at any time do so, upon giving to the Secretary in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of such notice. Members resigning.

10. It shall be lawful for the said Corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said Corporation, providing for the admission and expulsion or the retirement of members, and for the management of its Council, officers and affairs, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said Corporation, its officers and servants, and all other persons whomsoever lawfully under its control; provided that no by-law shall be made or enacted by the said Corporation, without notice in writing thereof having been given by one member and seconded by another member at a previous general meeting, and duly entered in the books of the said Corporation as a minute of the said Corporation. Power of making By-laws for certain purposes. Proviso: notice of By-laws to be proposed.

11. Each and every person then resident in the town of Stratford, and being or having been a merchant, trader, mechanic, manager of a Bank, or Insurance agent, shall be eligible to become a member of the said Corporation; and at any general meeting of the said Corporation it shall be lawful for any member of the said Council or of the said Corporation to propose any such person as aforesaid as a candidate for becoming a member of the said Corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said Corporation then present, he shall thenceforth be a member of the Corporation, and shall have all the rights and be subject to all the obligations which the other members possess, or are subject to; Provided always, that any person not being a merchant or trader, mechanic, manager of a Bank, or Insurance agent, shall be eligible to become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting. Members of the Corporation, qualification of. Proviso: as to non-residents.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said Town of Stratford, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said Special general meetings, how called, &c.

said Corporation, to each member, and mailed one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act.

Meetings of the Council, how called, &c.

13. It shall be competent to the said Council to hold meetings, from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may, by this Act or by the by-laws of the Corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the Corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act, and no other; and any five or more members of the Council, lawfully met (and of whom the President or Vice-President shall be one, or in case of their absence, any five or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the powers of the Council; and at all meetings of the said Council and at all general meetings of the Corporation the President, or in his absence the Vice-President, or if both be absent, any member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division, have a casting vote.

Quorum.

President and casting vote.

Council to frame By-laws, and submit them to Corporation.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations, as shall seem to the Council best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said Corporation called for that purpose, in the manner hereinbefore provided.

Recovery of subscriptions, &c.

15. All subscriptions of members due to the said Corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said Corporation, shall be paid to the Secretary thereof, and in default of payment, may be recovered in any action brought in the name of the said Corporation, and it shall only be necessary in such action to allege that such person is indebted to the said Corporation in the sum of money, the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act.

Proof in such case.

16. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the defendant at the time of making such demand was or had been a member of the said Corporation, and that the amount claimed by such

such subscription, penalty or otherwise, was standing unpaid upon the books of the said Corporation.

17. The meetings of the members of the Council shall be open to all members of the said Corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings whether of the said Council or the said Corporation, shall be entered in books to be kept for that purpose by the Secretary of the said Corporation; and the entry thereof shall be signed by the President of the said Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said Corporation, free from any charge.

Meetings of Council to be open.

Minutes to be kept.

18. From and after the passing of this Act, it shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners for the Town of Stratford, for the year commencing on the first day of September then next, and ending on the thirty-first day of August following, to examine applicants for the office of Inspector of Flour and Meal, or any other article subject to inspection, and for the said Council to do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and have as full power and be subject to the same conditions as those conferred upon and required of the Councils of the Boards of Trade, by virtue of the Act, Chapter forty-seven of the Consolidated Statutes of Canada, and the said Examiners and Inspectors shall also be subject to all the conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Act.

Board of examiners of Inspectors of articles, subject to inspection.

19. Any person who may by law, in other cases, make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case, where, by this Act, an oath is required; and any person hereby authorized to administer an oath may in such cases as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Affirmation allowed instead of oath.

20. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs, or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

Her Majesty's rights saved.

21. This Act shall be deemed a Public Act.

Public Act.

CAP.

CAP. LXXXI.

An Act to authorize the carrying of Gas Pipes across the River Niagara, in order to facilitate the lighting of the Town of Clifton with Gas.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS The Niagara Falls Gas Company incorporated under the Laws of the State of New York, have petitioned for power to extend their pipes and works, by way of the Niagara Falls Suspension Bridge or otherwise, into and through the Town of Clifton, in the County of Welland, for the purpose of supplying the said Town with Gas; and whereas, the Town Council of Clifton, have petitioned that such power be granted, and it is expedient to authorize the carrying of Gas Pipes across the River Niagara: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

A gas Co. to be incorporated:—

1. Any Company that may be organized in conformity with the provisions of Chapter sixty-five of the Consolidated Statutes of Canada, intituled: "An Act respecting incorporated Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water," for the purpose of supplying the Town of Clifton with Gas, shall have full power and authority to contract in writing with the Niagara Falls Suspension Bridge Company, if such Bridge Company see fit, for permission, upon such terms as may be agreed upon, to carry a Gas Pipe or Pipes from the Town of Clifton, upon and over the said Bridge, towards the United States shore of the River Niagara, and to connect the same with the Gas Pipes of the said Niagara Falls Company; and with further power to such Gas Company as may be organized as aforesaid, to contract with the said Niagara Falls Gas Company for the use of Gas manufactured by the said last mentioned Company at their works at Niagara Falls, in the State of New York, upon such terms as shall be mutually agreed upon; and with power to such Company as may be organized as aforesaid to cause such Pipes to be laid over the said Bridge, on such terms as may be agreed upon as aforesaid, or to be carried in any other way over the said River Niagara or on its bed, as shall be found practicable.

May, by consent, carry pipes over the Suspension Bridge.

And contract with Niagara Falls Gas. Co. for Gas, and lay pipes over bridge.

Limitation of time.

2. Such works shall be commenced within two years, and completed within four years from the passage of this Act, otherwise this Act and the powers hereby granted shall be void.

CAP.

CAP. LXXXII.

An Act to incorporate the Clifton Suspension Bridge Company.

[*Assented to 22nd May*, 1868.]

WHEREAS, John T. Bush, Samuel Keefer, William O. Buchanan, Delos DeWolf, William G. Fargo, Virus W. Smith, and Hollis White, have by their petition set forth the great necessity and convenience of a Suspension Bridge over the Niagara River immediately below the Falls of Niagara, and have prayed that they and such others as may be associated with them for the purposes hereinafter mentioned may be incorporated with the powers necessary to enable them to construct such a Bridge,—and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. That the said John T. Bush, Samuel Keefer, William O. Buchanan, Delos DeWolf, William G. Fargo, Virus W. Smith and Hollis White, and all persons who shall become Shareholders of the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of the Clifton Suspension Bridge Company, with power to unite with any other person or company to construct a Suspension Bridge over the Niagara River below the Falls, at or near the Clifton House, with the necessary approaches thereto. Certain persons incorporated, and for what purpose.

2. The said Company shall be capable of purchasing, having and holding any real or personal estate to and for the use of the said Company, and of conveying the same for the benefit of said Company; provided that the value of the said estate so holden by them at any time shall not exceed one hundred thousand dollars. Company may hold real estate.

3. The Capital Stock of the said Company shall be One Hundred thousand dollars, divided into shares of one hundred dollars each. Capital Stock.

4. The stock, property and affairs of the said corporation shall be managed by five Directors, who shall be Shareholders annually chosen on the first Monday of July in each year, at such place in the Town of Clifton, as the majority of the Directors shall appoint, notice of such meeting having been first published for two weeks in some newspaper in the County of Welland; The persons named in the first clause of this Act shall be and act as Directors or a majority of them until the first Monday in July, next after the passage of this Act, and until their successors shall have been chosen; and the said Provisional Directors shall have power and authority to manage the Election of Directors. First Directors named. Powers.

the affairs of the Company until Directors shall have been elected in their place under the provisions of this Act; and shall have power to open stock books, and to receive subscriptions of stock or shares, and generally to do all matters and things necessary for the full organization and management of the Company; each Shareholder at all elections of Directors shall be entitled either in person or by proxy to one vote for each share of stock held in his own name; All elections of Directors shall be by ballot, and the persons having the greatest number of votes shall be Directors and shall hold office for one year and until their successors shall have been chosen; the Directors for the time being may fill any vacancy occurring in the Board, by the appointment of some other Shareholder thereto, who shall hold office until the next annual election; the Directors shall at the first meeting after each election, appoint one of their number to be President of the Corporation, who shall hold office till the next annual election.

Votes.

Vacancies in Board.

President.

Power to take lands on paying value.

5. The said Directors shall have full power to enter upon, take and occupy any lands necessary for the construction of, and approaches to the said Bridge, first paying or tendering the value thereof, which value shall be determined by two persons selected, one by the claimant and the other by the said Company, and in case they do not agree a third person to be appointed by the Lieutenant-Governor of the Province of Ontario, whose decision shall be final.

Power to make By-laws.

6. The Directors or a majority of them shall have power from time to time to make and establish such by-laws as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said Corporation and touching the duties of its officers, clerks and servants, their appointments and salaries, and all such other matters and things as shall appertain to the business of the Corporation, such by-laws to be binding only on the Shareholders, Officers, Clerks and Servants thereof.

On whom binding.

Power to erect Toll-gates.

7. When the said Bridge shall have been completed and its safety shall have been certified by such Engineer as the Governor General shall appoint, the said corporation may erect a Gate or Gates and determine and establish the rate of Tolls to be demanded for going upon or crossing said Bridge, which Tolls shall not exceed fifty cents for each carriage or vehicle drawn by two horses including the driver thereof, thirty-five cents for a single horse carriage and driver, and twenty cents for each other person; Provided always, that no such tolls shall be levied or taken until approved of by the Governor General in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such tolls, and of the Order in Council approving thereof; And if any person shall forcibly pass such gate without having paid the legal toll, such person shall forfeit and pay to the said corporation a sum not

Proviso.

Penalty for passing without payment.

not less than five dollars and not exceeding fifty dollars, to be recovered before any Justice of the Peace for the County of Welland, in the same manner as any other fines are recoverable before a Justice of the Peace in Ontario.

8. The said Corporation shall have power to make such rules and pass such by-laws as they may think reasonable and proper, with suitable penalties (not exceeding in any case fifty dollars) touching the speed in passing over the said Bridge and the weight to be admitted thereon at any one time; which rules, as well as the rate of Toll, shall be plainly painted on a Board or Cloth and put up in or near each Gate in a conspicuous place, and such penalties if incurred shall be recoverable as in manner aforesaid.

Rules touching use of bridge, to be made and posted up.

9. If any Toll collector shall unreasonably and without cause delay or hinder any passenger or the passage of any property agreeably to the rule prescribed in such case, or shall demand or receive more than the legal Toll, he shall for every such offence forfeit the sum of ten dollars with costs, for the use of the person or persons so delayed or defrauded, to be recovered as in manner aforesaid.

Neglect of duty, &c., by Toll Collector, how punished.

10. If the said Bridge shall not be constructed and used within two years from the passing of this Act, then the said Corporation, and the privileges hereby conferred upon it, shall from thenceforth cease and determine.

Time for completing bridge limited.

CAP. LXXXIII.

An Act to amend the Acts relating to the Niagara District Bank.

[Assented to 22nd May, 1868.]

WHEREAS the Niagara District Bank has, by petition, prayed that the time for subscribing for and paying up the balance of the Capital Stock of the said Bank, may be extended, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

Preamble.

1. For and notwithstanding anything contained in the several Acts of the Legislature of the late Province of Canada, relating to the said Bank, the sum still remaining to be subscribed for, or still remaining unpaid, of the Capital Stock of the said Bank, may be paid up, or may be subscribed for and paid up, at any time within two years from and after the passing of this Act.

Time for subscribing and paying up stock extended.

2. It is hereby declared that none of the privileges granted by the said Acts, or any or either of them, have been forfeited by

Privileges declared not to be forfeited.

by reason of any portion or portions of the Capital Stock of the said Bank not having been subscribed for and paid up at any time before the passing of this Act, as required by any or either of the said Acts, and that the said privileges, and each and every one of them, still are and shall continue to be vested in and enjoyed by the said Corporation, in as full and ample a manner to all intents and purposes whatsoever, as they have ever been vested in or enjoyed by it, subject only to the terms and conditions of the said Acts, as amended by this Act.

Duration of the said Acts, as hereby amended.

3. The said Acts, as amended by this Act, and this Act itself, amending the same, shall be and remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and thence until the end of the then next Session of the Parliament of Canada, and no longer.

CAP. LXXXIV.

An Act to confirm the Amalgamation of the Commercial Bank of Canada and the Merchants' Bank, and to amend and consolidate the Acts of Incorporation of the said Banks.

[*Assented to 22nd May*, 1868.]

Preamble.

31 V. c. 18.

WHEREAS, under and by virtue of the provisions of the Act of the present Session of Parliament, intituled: "An Act to amend the Act of Incorporation of the Commercial Bank of Canada, to authorize its amalgamation with any other Bank or Banks, or for its winding up," the Commercial Bank of Canada, entered into an agreement of amalgamation with the Merchants' Bank, thereby forming one Corporation under the name of the "Merchants' Bank of Canada," which agreement was confirmed by the shareholders of the said two Banks as provided by the said Act; And, whereas, an indenture, setting forth the terms thereof, was duly executed by the said Banks on the twenty-seventh day of February last past, and a duplicate of such indenture duly filed in the office of the Secretary of State of Canada; and the said amalgamation was completed and took effect upon, from and after the second day of March last past;

Indenture of agreement recited.

Petition of Merchants' Bank.

And, whereas, the said Merchants' Bank of Canada, has, by its petition, represented that it is for the interest of the shareholders and others interested in the said Banks, and of the public, that the said amalgamation should be confirmed, the Acts of Incorporation of the said Amalgamated Banks consolidated, their issue of bank notes called in and redeemed, and other provisions hereinafter contained, enacted for the better conduct and management of the said Merchants' Bank of Canada, and have prayed that under the said circumstances an

Act

Act of the Parliament of Canada should be passed to contain the provisions hereinafter mentioned; And whereas it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Amalgamation of Commercial Bank and Merchants' Bank confirmed.

1. The said indenture of amalgamation, and the said amalgamation of the said Commercial Bank of Canada and of the Merchants' Bank by virtue thereof, and of the proceedings thereupon had, are hereby ratified and confirmed: And the said amalgamated Banks and the shareholders therein, and in the Corporation thereby created, and their assigns, shall be deemed to have been, upon and from the second day of March last past, and hereafter to be a Corporation, body corporate and politic, by the name of "The Merchants' Bank of Canada," and shall continue to be such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law and Equity as other corporations may, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of forty thousand dollars, currency, and may sell, alienate or exchange the same, and acquire other instead, and may make, ordain and establish such rules, regulations and by-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, (such rules, by-laws and regulations not being inconsistent with this Act or contrary to the laws of Canada;) Provided, however, that such rules, regulations and by-laws shall be submitted for approval to the stockholders or shareholders in the said Bank at their regular annual meeting, or at a special general meeting thereof duly called for the purpose.

Name and general corporate powers. — *By-laws.* — *Proviso: submission of By-laws to shareholders.*

2. By virtue of the said amalgamation the shareholders of the said Banks became and are shareholders in the said Merchants' Bank of Canada, in the amounts and according to the relative values of the stocks of the said amalgamated Banks, as provided for and set forth in the said indenture of union, in lieu of and in proportion to the amount of their shares in the said amalgamated Banks; and each share in the capital stock in the said Merchants' Bank of Canada, shall entitle the holder thereof to one vote at all general meetings of the shareholders of the said Bank, unless he shall be in default in respect of any calls upon such share, and all the estate and effects, real and personal, rights, property, credits, choses in action, claims and demands of whatsoever nature or quality, or wherever situate of the said Commercial Bank of Canada, and of the Merchants' Bank, thereby became and are vested in the said Merchants' Bank of Canada, its successors or assigns as and for its own use absolutely, and it may in its own name sue for, collect, and get

Shareholders in either Bank, to be shareholders of Merchants' Bank of Canada. — *Votes.* — *Property and liabilities transferred to the New Bank.*

get in, all and every part of the said estate, rights and effects; And the said Merchants' Bank of Canada thereby became and was and is subject and liable to pay and discharge all of the debts, obligations, bills and promissory notes or other liabilities of each of the said amalgamated Banks, and may be directly sued and proceeded against in respect thereof, as fully and effectually as if the same were originally the debts, obligations, promissory notes and liabilities of the said Merchants' Bank of Canada, and shall be taken and construed so to be; and all suits, actions and proceedings pending on the first day of March, 1868, in any Court of law, or of equity, or in any Court possessing civil jurisdiction, in which suits, actions or proceedings the Commercial Bank of Canada, or the Merchants' Bank, were plaintiffs or defendants, may be continued to judgment and execution in the name of the Merchants' Bank of Canada, in the Province of Ontario, upon a suggestion being entered upon the record by virtue of this Act, at any time before judgment, that the Commercial Bank of Canada, or the Merchants' Bank, as the case may be, became on the second day of March, 1868, the Merchants' Bank of Canada, by virtue of the said agreement of amalgamation and of this Act,—and in the Province of Quebec, upon a petition *en reprise d'instance* being presented by the Merchants' Bank of Canada, in accordance with the ordinary practice of the Courts.

Continuance of suits.

Capital Stock.

3. The Capital Stock of the said Bank shall be six millions of dollars, divided into sixty thousand shares of one hundred dollars each, which said shares shall be, and are hereby vested in the several persons now entitled thereto, or who shall hereafter subscribe for the same, their heirs, legal representatives and assigns; and the subscription for so many of the said shares as shall be unsubscribed for when this Act shall come into force, shall be made in such proportions or numbers and at such times and places, and under such regulations, and at such rate of premium, to be paid by the subscribers, over and above the amount of the shares, and upon such terms and conditions as shall be provided from time to time by the Directors, by resolution of the Board, which resolution shall be published for two weeks in the Official Gazette of the Dominion, and in two or more newspapers of the Cities of Montreal and Toronto; And Executors, Administrators and Curators paying instalments upon Shares of deceased Shareholders, shall be and are hereby respectively indemnified, for paying and are required to pay the same; Provided, always, that no share shall be held to be lawfully subscribed for unless the premium (if any) which shall have been so fixed, and at least ten per centum on the amount of such share, be paid at the time of subscribing.

As to unsubscribed shares.

Indemnity to executors, &c., paying.

Proviso.

In case shares are paid up in full at time of subscribing.

4. If any person or party subscribing for shares of the capital Stock of the said Bank, shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, together with such premium thereon, if any, as aforesaid, it shall

shall and may be lawful for the Directors of the Bank, and at any time within the periods hereinbefore limited for subscribing for such Stock, to admit and receive such subscriptions and full payment, or payment of any number of instalments together with such premiums; and in every case, the premium received on any stock subscribed for, shall be carried to the account of the ordinary profits of the said Bank.

5. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the Instalments upon his, her, or their Shares of the said capital stock when the same may become due, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Corporation of a sum of money, equal to ten per centum on the amount of such Shares; And moreover, it shall be lawful for the Directors of the said Corporation, (without any previous formality other than thirty days public notice of their intention,) to sell at Public Auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole; and the President, or Vice-President, or Cashier of the said Corporation shall execute the transfer to the purchaser of the shares of stock so sold, and such transfers being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of the stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders, at a general meeting, from remitting either in whole or in part and conditionally or unconditionally, any forfeiture incurred by the non-payment of the instalments as aforesaid, or to prevent the said Bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

Forfeiture for refusal or neglect to pay instalments.

Sale of forfeited shares.

Proviso: Directors not barred from remitting forfeitures.

6. The chief place or seat of business of the said Corporation shall be in the City of Montreal, aforesaid; but it shall and may be lawful for the Directors of the Corporation to retain, open and establish in other cities, towns, and places in this Dominion, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same, as to Directors shall from time to time seem meet, and as shall not be repugnant to any law of this Dominion, to this Act, or to the By-laws of the said Corporation.

Places of business.

7. For the management of the affairs of the said Corporation, there shall be seven Directors, who shall be annually elected by the shareholders of the capital stock of the Corporation, at a general meeting of them, to be held annually, on the first Monday in July, in each year; and the Directors elected, by a majority of votes, shall be capable of serving as Directors for

Election of Directors.

Term of office.

for the ensuing twelve months; and, at their first meeting after such election, shall choose out of their number a President and Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President, or Vice-President, the Directors, at the first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice, or election, from among themselves, and the Director so chosen, or elected, shall fill the office to which he shall be so chosen, or elected until the next general annual meeting of the shareholders; Provided always, that the foregoing provisions respecting the choice and selection of Directors may be changed in the respects, hereinafter mentioned, by a by-law, to be made as hereinafter provided; And provided, also, that each of the Directors shall be the holder and proprietor, in his own name, of not less than forty shares of the capital stock of the said Corporation, upon which not less than four thousand dollars shall have been paid up, and shall be a natural born, or naturalized subject of Her Majesty, and shall have lived seven years in Canada.

Vacancies.

Proviso.

Proviso: Qualification of Directors.

Failure in election not to dissolve corporation.

8. If at any time it shall happen that an election of Directors shall not be made, or take effect, on the day fixed by this Act, the said Corporation shall not be deemed, or taken to be, thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the Shareholders to be called for that purpose; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Books, &c., may be inspected by Directors.

9. The books, correspondence, and funds, of the said Bank, shall, at all times, be subject to the inspection of the Directors, but no Shareholder, not being a Director, shall inspect, or be allowed to inspect, the account, or accounts, of any person, or persons, dealing with the said Bank.

Quorum of Directors.

10. At the meetings of the Directors of the said Corporation, not less than four of them shall constitute a board or quorum for the transaction of business, and at the said meetings the President, or in his absence, the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore*, shall preside, and the President, Vice-President, or President *pro tempore*, so presiding, shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

President; casting vote.

By-laws for certain purposes, to be made

11. It shall and may be lawful for the Directors of the said Bank, from time to time, to make and enact By-laws, Rules and

by the Directors.

and Regulations (the same not being repugnant to this Act, or to the Laws of this Dominion) to regulate the retirement in each year, subsequent to the present year, of a part only of the Directors, the number of the Directors who shall so retire, the mode in which the retiring Directors shall be selected, and all other matters in connection with the change to be thereby made in the mode of selecting the Directors; Provided always, that the number of Directors to be elected at each annual meeting shall not be less than four; and also for the proper management of the affairs of the said Corporation; and from time to time, to alter or repeal the same, and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors, shall have force or effect until the same shall have been confirmed by the shareholders at an annual general meeting, or after six weeks' public notice, at a special general meeting called for that purpose; And provided also, that the By-laws of the said Merchants' Bank in force at the time when this Act shall come into force, in so far as they are not repugnant to this Act, or to law, shall be the By-laws of the Merchants' Bank of Canada until others shall have been made and enacted and confirmed, as provided for by this section, except only in so far as they would affect the election of Directors in the said last mentioned Bank, to take place in July next.

Proviso.

Proviso. Notice of proposing any By-law.

Proviso: as to existing By-laws.

No Director to act as a private banker, but may be paid.

12. No Director of the Corporation hereby constituted shall, during the period of his services, act as a private Banker, or Director of any other Bank, but the President and Directors may be compensated for their services, either by an annual vote of a sum of money by the shareholders at their annual general meetings, or if not so provided for, then in such manner and at such rates as the Directors may see fit to fix and regulate by resolution; Provided always, that the sum of money to be appropriated by the Directors for that purpose shall not in any one year exceed six thousand dollars.

Proviso: as to amount.

Directors to appoint officers.

13. The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services, respectively; and also, shall be capable of exercising such power and authority, for the well-governing and ordering of the affairs of the said Corporation, as shall be prescribed by the by-laws thereof; Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Corporation, to enter upon the duties of his Office, the Directors shall require such Cashier, Officer, Clerk or Servant, to give security to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Officers to give security.

14.

Dividends.

14. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable, and such dividends shall be payable at such place, or places, as the Directors shall appoint, and of which they shall give public notice thirty days previously: Provided always, that such dividends shall not in any manner lessen or impair the capital stock of the said Bank.

Proviso.

Annual general meeting.

15. The annual general meeting of the Shareholders of the Corporation, to be held in the City of Montreal, on the first Monday in the month of July, in each year, for the purpose of electing Directors, in the manner hereinbefore provided, shall also take into consideration all other matters generally touching the affairs and the management of the affairs of the Corporation; and, at each of the said annual general meetings, the Directors shall submit a full and clear statement of the affairs of the Corporation, containing, on the one part, the amount of capital stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balance due to the Bank from other banks or institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothèques, and other securities; thus exhibiting, on the one hand, the liabilities of, or debts due by, the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Statement of affairs, and what to shew.

Further particulars.

Votes and proportion of, to shares.

16. At all meetings of the Corporation, the shareholders shall be entitled to give one vote for every share held by them; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a by-law, and which authority shall be lodged in the Bank; Provided always, that a share or shares of the capital stock of the said Corporation that shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders, shall not entitle the holder or holders to vote at such meeting either in person or by proxy; Provided, also, that where two or more persons are joint holders of shares it shall be lawful that only one of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority

Proviso: Shares must have been held 3 months.

Proviso: as to joint holders.

majority of them, to represent the said shares, and vote accordingly.

17. No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank shall vote, either in person or by proxy, at any meeting for the election of Directors, or hold a proxy for that purpose. Officers of bank not to vote.

18. Any number not less than twenty of the shareholders of the said Bank, who together shall be proprietors of at least one thousand shares of the paid up capital stock of the said Bank, by themselves or their proxies; or the Directors of the said Bank, or any four of them; shall respectively have power at any time to call a special general meeting of the shareholders of the said Bank, to be held at their usual place of meeting in the City of Montreal, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any special general meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation, for maladministration, or other specified and apparently just cause, then and in such case the person or persons whom it shall be so proposed to remove, shall from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices; and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President), who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be undecided upon. Special general meetings, how called, &c. If for removal of any officer. If the removal of the President.

19. The shares of the capital stock of the said Corporation shall be held and adjudged to be personal estate and be transmissible accordingly, and shall be assignable and transferable at the Bank according to such form as shall be prescribed by the by-laws for that purpose; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books, to be kept in the office of the said Bank for that purpose, nor until the person or persons making the same shall have previously discharged all debts actually due by and exigible from him, her, or them, to the Corporation, which may exceed in amount the amount paid up on the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Corporation an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made; and thereupon Shares to be personal estate, and how transferable or assignable. Shares sold under execution.

 (but

(but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid) the President or Vice-President or Cashier of the Corporation shall execute the transfer of the share or shares, so sold, to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes, as valid and effectual in law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding; And shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively transferable and payable at the Chief Office of the said Bank in the City of Montreal; and, to that end, the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary; Provided always, that at no time shall more than one-half of the whole capital stock be registered in the book to be kept for that purpose in the United Kingdom.

Transfers in, United Kingdom.

Proviso.

Bank to have preferential lien on shares.

20. The said Bank shall have a perferential lien for any debt due to it by any Shareholder thereof, upon the shares of such Shareholder, and shall be entitled to charge an overdue note or bill held by the Bank against the deposit account of any person liable thereon; any law, statute, or usage to the contrary notwithstanding.

Corporation not to hold lands or tenements, except under sect. 1.

21. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Dominion; nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the Corporation, or of any goods, wares or merchandise; nor shall the said Corporation, either directly or indirectly, raise loans of money or deal in the buying, selling or bartering of goods, wares, or merchandise, or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided, always, that the fifty-fourth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting Incorporated Banks*, and also the Act twenty-ninth Victoria, chapter nineteen, intituled: *An Act granting additional facilities in commercial transactions*, and each and every of the provisions thereof shall apply to the Corporation hereby created as fully and completely as if incorporated in the present Act.

Nor lend money on mortgage, &c.

Business to what confined.

Proviso: certain Acts of Canada to apply.

22.

Liabilities of Directors limited.

22. The aggregate amount of the liabilities of all the Directors to the said Corporation shall not exceed at any one time one tenth of the total amount of the then current discounts or advances made by the Corporation.

Interest and discount.

23. It shall and may be lawful for the said Corporation to allow and pay interest upon moneys deposited in the Bank; and also, it shall and may be lawful for the Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same; any law or usage to the contrary notwithstanding, the whole subject to the provisions of the fifty-eighth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting interest.*

Bonds, &c., to be assignable.

24. The bonds, obligations and bills obligatory or of credit of the said Bank, under its common seal and signed by the President, Vice-President, and countersigned by the Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by endorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon in his, her or their own name or names: and signification of any such assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding; And bills or notes of the said Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it, in the like manner and with the like force and effect as they would be upon any private person if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time, any Cashier, Assistant Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign or countersign the bills or notes of the Corporation intended for general circulation and payable to order or bearer on demand.

Bills signed by the proper officer.

Proviso: Directors may depute the power of signing notes.

Where notes or bills shall be payable.

25. The notes or bills of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in the city of Montreal or from any of its Branches shall bear date at the place of issue and not elsewhere; and

22 * shall

shall be payable on demand in specie or in such other funds as shall by law be a legal tender in lieu of specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established shall be subject to the restriction as to the issuing and redemption of notes provided in this section.

Amount of notes for a less sum than $5 limited.

26. The total amount of the notes or bills of the said Corporation, being for a less sum than five dollars, current money of Canada, each, that shall or may have been issued and put in circulation, shall not exceed at any one time one-fifth of the amount of the capital stock of the Corporation then paid in; Provided, always, that no notes, under the nominal value of one dollar, shall, at any time be issued or put in circulation by the Corporation; nor shall any further limitation by Parliament of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privileges hereby granted.

Proviso: None under $1.

Total debt of Bank limited.

27. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in and the average amount of deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills of the said Bank, or for which it is liable, payable on demand or to bearer, then in circulation, exceed the amount of the actually paid up stock of the Bank, and if at any time the Directors of the said Bank shall wilfully and knowingly contract such debts, or issue or cause to be issued such notes or bills to an amount exceeding that hereinbefore limited, then and in that case the said Bank shall forfeit its charter and all the privilege granted to it by this or any other Act, and those of the Directors with whose knowledge and participation such contracting of debts or excessive issue of notes or bills shall take place, shall be liable jointly and severally for such excess in their private capacities, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law, but such action or actions, shall not exempt the said Bank or its lands, tenements, goods or chattels, from being also liable for such excess; Provided always, that if any Directors present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank, his protest against the same, and do within eight days thereafter publish such protest in at least two newspapers published in the City of Montreal, such Director may thereby, and not otherwise,

And of Notes payable on demand or to Bearer.

Liability of Directors in case of excess.

Proviso.

Proviso: How any Director may exonerate himself.

otherwise, exonerate and discharge himself, his heirs, executors, and administrators or curators, from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director from his liability as a shareholder. Proviso.

28. A suspension by the said Corporation (either at the chief place or seat of business or at any of their branches or offices of discount and deposit at other places in this Dominion) of payment, on demand, in specie or in such other funds as shall by law be a legal tender in lieu of specie, of the notes or bills of the said Corporation, payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted. Suspension of payment by bank in certain cases to cause forfeiture of Act.

29. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery, in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of the Merchants' Bank of Canada, whereon the name or names of any person or persons intrusted and authorized to sign such notes or bills on behalf of the Bank shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and be taken to be good and valid, to all intents and purposes as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes, whatever; and shall and may be described as bank notes or bills, in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding. Signatures to notes may be impressed by machinery.

30. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of its stock, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability and responsibility of each Shareholder to the creditors of the said Bank, shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and shall pay up; Provided, always, that nothing in this section contained shall be construed to alter or diminish Liability of Shareholders limited. Proviso.

diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Monthly statement of assets and liabilities, to be published.

31. Besides the detailed statement of the affairs of the said Bank hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first day in each and every month, statement of the assets and liabilities of the said Bank, in the form of the Schedule A hereunto annexed, shewing under the heads specified in the said form the average amount of the notes of the said Bank in circulation, and other liabilities, at the termination of the month to which the statement shall refer, and the average amount of specie and other assets, that at the same time were available to meet the same; And it shall also be the duty of the Directors to submit to the Governor of this Dominion, if required, a copy of each such monthly statement; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the monthly balance sheet, from which the said statement shall have been compiled; And furthermore, the said Directors shall from time to time, when required, furnish to the Governor, such further information respecting the state and proceedings of the Bank and of the several branches and offices of discount and deposit thereof as such Governor may reasonably see fit to call for; Provided always, that the monthly balance sheet, and the further information that shall be so produced and given, shall be held by the Governor, as being produced and given in strict confidence that he shall not divulge any part of the contents of the said monthly balance sheet or of the information that shall be so given; And provided also that the Directors shall not make known, nor shall anything herein contained be so construed as to authorize them or any of them, to make known, the private account or accounts of any person or persons whatever, having dealings with the Bank.

Governor may require further information.

Proviso.

Proviso.

Loans to foreign States forbidden on pain of forfeiture of charter.

32. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of, or on account of, any foreign Prince, Power or State, any sum or sums of money, or any security for money; and if such unlawful advance or loan be made, then, and from thenceforth, the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; anything in this Act to the contrary notwithstanding.

Transmission of shares otherwise than as mentioned in this Act, how provided, &c.

33. If the interest in any share in the said Bank become transmitted in consequence of the death, or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall

shall distinctly state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same acknowledged before a Judge or Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a city, town, borough or other place, or before a public notary where the same shall be made and signed; and every such declaration, so signed and acknowledged, shall be left with the Cashier, or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the register of shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul, or other accredited representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso.

Proviso.

When transfer is by virtue of marriage of a female shareholder.

34. If the transmission of any share of the said Bank be by virtue of the marriage of a female shereholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders.

In case the right of property is disputed, Bank may obtain opinion of Judges, and be guided by it.

35. Whenever the interest in any share or shares of the said Bank, or in the dividend accrued thereon, or the right of property of any deposit therein, shall be transmitted by the death of any Shareholder, or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, dividend or deposit, shall change by any lawful means, other than by transfer, according to the provisions of this Act, or shall be disputed, and the Directors of the said Bank shall entertain

entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, dividend or deposit, then and in such case, it shall be lawful for the said Bank to make and file in the Superior Court for the Province of Quebec, a declaration and petition in writing addressed to the Justices of the Court, setting forth the facts, and the number of shares previously belonging to the party in whose names such shares stand in the books of the Bank, or the amount of deposits standing in the name of the depositor thereof, and praying for an order or judgment, adjudicating and awarding the said shares, dividends, or deposits to the party or parties, legally entitled to the same; by which order or judgment the Bank shall be guided and held fully harmless, and indemnified and released from all and every other claim, for the said shares or deposits, or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such shares, dividends or deposits; who shall upon the filing of such petition, establish his right to the shares, dividends or deposits, referred to in such petition; and the delays to plead, and other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; provided also, that the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares, dividends, or deposits shall be declared lawfully to belong; and such shares, dividends or deposits shall not be transferred or paid over, as the case may be, until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

Bank not bound to see to execution of trust.

36. The Bank shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the shares of the Bank may be subject; and the receipt of the party in whose name any share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; and the transfer of any share or the payment of any dividend or deposit shall not cause any liability on the part of the said Bank to the rightful owner or administrator of such shares, dividend or deposit, if such transfer be made by, or such payment be made to, the person in whose name such share shall stand in the books of the said Bank, or to whose credit such deposits may appear therein, whether such person be ordinarily competent to make such transfer or to receive such payment or not.

37. It shall be the duty of the Directors of the said Bank to keep invested at all times in the debentures of the late Province of Canada, or of the Consolidated Municipal Loan Fund of the said late Province, or in Dominion Stock, one-tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures or stock as the case may be, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and return. Investments of Capital in government securities.

38. The several public notices, by this Act required to be given, shall be so given by advertisement in one or more of the newspapers published in the City of Montreal, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Dominion. Notices under this Act.

39. This Act shall be and remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Dominion, and no longer, and shall be subject to the provisions of any general Act of the Parliament of Canada, which may be passed with reference to Banks and Banking Institutions. Continuance of Act.

40. So much of "The Commercial Bank Act, 1867," as provides for the winding up of the Commercial Bank of Canada, and as conflicts with the provisions of this Act, is hereby repealed. Repeal.

41. This Act may be cited, and known, as the "Merchants' Bank Act, 1868." Short title.

42. This Act shall be deemed a Public Act. Public Act.

SCHEDULE A.

(*Referred to in the foregoing Act.*)

Return of the average amount of liabilities and assets of the Merchants' Bank of Canada, during the period from the first to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation, not bearing interest. $
Bills of Exchange in circulation, not bearing interest. $

Bills

Bills and Notes in circulation, bearing interest.....$
Balances due to other Banks.....................$
Cash deposits, not bearing interest..............$
Cash deposits, bearing interest..................$

Total average Liabilities.................$

ASSETS.

Coin and Bullion.................................$
Landed or other property of the Bank.............$
Government Securities............................$
Promissory Notes or bills of other banks..........$
Balances due from other banks....................$
Notes and bills discounted or other debts due to the Bank, not included under the foregoing heads....$

Total average Assets.................$

CAP. LXXXV.

An Act to incorporate the Bank of Agriculture.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS John White, G. C. McKindsey, William Hendrie, Thomas Stock, Richard Quance, George Taylor, and others, have, by their petition, prayed that they might be incorporated for the purpose of establishing a Bank in the City of Hamilton, in the Province of Ontario, and whereas it is desirable to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Incorporation. Corporate name and powers. Real property limited.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns shall be, and they are hereby created, constituted, and declared to be a Corporation, body corporate and politic, by the name of the "Bank of Agriculture," and shall have power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of ten thousand dollars, and may sell, alienate or exchange the same, and acquire other instead.

Capital and shares.

2. The capital stock of the said Bank hereby incorporated shall be four hundred thousand dollars, divided into eight thousand shares of fifty dollars each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

3.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof: and they, or the majority of them, may cause stock books to be opened, after giving due public notice; upon which stock books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank; and such books shall be opened at Hamilton aforesaid, and elsewhere, at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as two hundred and fifty thousand dollars of the capital stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid in to some one of the present Chartered Banks in Canada thereupon, a public meeting shall be called of the subscribers thereof, by notice published at least two weeks in two of the newspapers of the said City of Hamilton, such meeting to be held in Hamilton, aforesaid, at such time as such notice shall indicate; and at such meeting the subscribers shall proceed to elect five Directors having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the second Tuesday in June, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and the said election shall be had in the same manner as the annual election hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for, and immediately upon such election being had, the functions of the said Provisional Directors shall cease.

Provisional Directors

Stock Book.

When $250,000 of capital stock subscribed, and $100,000 paid in.

First meeting shall be called.

To elect five directors.

Term of office, &c.

4. The shares of the capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; and executors, administrators, and curators paying instalments upon the shares of deceased shareholders shall be and are hereby respectively indemnified for paying the same; Provided always that no share or shares shall be held to be lawfully subscribed for unless a sum equal at least to ten per centum on the amount subscribed for be actually paid at the time of subscribing, or within thirty days of that time; Provided, further, that it shall not be lawful for the subscribers to the capital stock hereby authorized to be raised, to commence the business of banking until a sum of not less than one hundred thousand dollars shall have been duly paid in by such subscribers; and that the balance of the two hundred and fifty thousand dollars required to be subscribed for under the next preceding section shall be duly paid in within one year from the passing of this Act; and the remainder of the capital stock shall be subscribed and paid up when the Directors shall appoint, but not later than the first day of June one thousand eight hundred and seventy.

Payment of stock.

No stock subscribed till ten per cent paid.

Not to commence business till $100-000 paid in.

Balance, when payable.

Directors may make calls.

5.

Directors may make calls.

5. The Directors for the time being, or a majority of them, shall have power to make such calls of money from the several shareholders for the time being upon the shares subscribed for in the said Bank by them respectively, as the said Board find necessary; and, in the corporate name of the said Bank, to sue for, recover and get in all such calls, or to cause and declare such shares forfeited to the said Bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said Bank, and is indebted for calls upon such share or shares to the said Bank, in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls whereby an action hath accrued to the said Corporation to recover the same from such defendant by virtue of this Act; and it shall be sufficient, to maintain such action, to prove by any one witness (a shareholder being competent) that the defendant at the time of making such call was a shareholder in the number of shares alleged, and to produce the By-law or Resolution of the Board making and prescribing such call, and to prove notice thereof given, in conformity with such By-law or Resolution; and it shall not be necessary to prove the appointment of the said Board of Directors, or any other matter whatsoever: Provided that each such call be made at intervals of not less than thirty days, upon notice to be given at least thirty days prior to the day on which such call shall be payable; and no such call shall exceed ten per centum of each share subscribed.

Enforcement of payment.

Form of Action.

Evidence requisite.

Limitation as to amount of calls, and notice to be given.

Chief place business.

Branches.

6. The chief place or seat of business of the said Corporation shall be in the City of Hamilton aforesaid; but it shall and may be lawful for the Directors of the said Corporation to open and establish, in other cities, towns and places in this Dominion, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same as to the Directors shall from time to time seem meet, and as shall not be repugnant to any law in force in Canada, to this Act, or to the By-laws of the said Corporation.

Directors. Annual election.

7. For the management of the affairs of the said Corporation there shall be five Directors, who shall be annually elected by the shareholders of the capital stock of the Corporation at a general meeting of them, to be held annually in the said City of Hamilton, on the second Tuesday in June, beginning on the second Tuesday in June which shall be in the year next after the first election of Directors hereinbefore provided for; and the Directors elected by a majority of votes shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election, shall choose out of their number a President and Vice-President, who shall hold their offices

President.

offices respectively during the same period, and in case of vacancy occurring in the said number of five Directors, the remaining Directors shall fill the same by election among the shareholders; and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders: and if the vacancy occurring in the said number of Directors shall also cause the vacancy of the office of President or Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid shall fill the vacant office by choice or election from among themselves; and the Director so chosen or elected shall fill the office to which he shall be so chosen or elected until the next annual general meeting of the shareholders; and if it should happen at any election that two or more persons have an equal number of votes, then the Directors who shall have had a greater number of votes or the majority shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of five; Provided, always, that each of the Directors shall be holder and proprietor, in his own name, of not less than twenty shares of the capital stock of the said Corporation upon which all the calls then due shall have been paid up; and shall be a natural born or naturalized subject of Her Majesty.

Vacancies, how filled.

Equality of votes, how decided.

Proviso: Qualification of Directors.

8. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved; but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called for that purpose.

Provision in case of failure to elect Directors.

9. The books, correspondence, and funds of the Corporation shall at all times be subject to the inspection of the Directors; but no shareholder not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

Books, &c., open to inspection by Directors.

10. At all meetings of the Directors of the said Corporation, not less than four of them shall constitute a Board or quorum for the transaction of business; and at the said meetings the President, or in his absence, the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore*, shall preside; And the President, Vice-President, or President *pro tempore* so presiding shall vote as a Director; and if there be an equal division on any question, shall have a casting vote.

Quorum of Directors.

Who to preside.

Casting vote.

11. It shall and may be lawful for the Directors of the Corporation hereby constituted, from time to time, to make and enact by-laws, rules and regulations, (the same not being repugnant to this Act, or to the laws in force in Canada,) for the proper management of the affairs of the said Corporation, and

Directors may make By-laws, &c.

and from time to time to alter or repeal the same, and others to make and enact in their stead; Provided always, that no by-law, rule or regulation, so made by the Directors, shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders, at an annual general meeting or a special general meeting called for that purpose.

Proviso, for confirmation by shareholders.

Remuneration of Directors.

12. The Directors, including the said President and Vice-President, shall be entitled to such emolument for their services as may be fixed by any by-law as hereinbefore provided.

Appointment of officers.

13. The Directors of the said Corporation shall have power to appoint such cashiers, officers, clerks and servants, under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services respectively; and also shall be capable of exercising such power and authority, for the well-governing and ordering of the affairs of the Corporation, as shall be prescribed by the by-laws thereof; Provided always, that before permitting any cashier, officer, clerk or servant, of the Corporation to enter upon the duties of his office, the Directors shall require every such cashier, officer, clerk or servant to give bond to the satisfaction of the Directors in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Security to be given.

Half yearly dividends.

14. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the Corporation as to them shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously; Provided always that such dividends shall not in any manner lessen or impair the capital stock of the Corporation.

Proviso.

Business of the general annual meeting.

15. The annual general meeting of the shareholders of the Corporation, to be held in the City of Hamilton aforesaid, on the second Tuesday in the month of June in each year, for the purpose of electing Directors in the manner hereinbefore provided, shall also take into consideration all other matters generally touching the affairs and the management of the affairs of the Corporation; and at each of the said annual general meetings the Directors shall submit a full and clear statement of the affairs of the Corporation, containing on the one part the amount of capital stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing those bearing interest from those not bearing interest, and on the other part, the amount of current coin and gold and silver bullion in the vault of the Bank, the value of buildings and other real estate belonging to the Bank, the balance due to the Bank from other banks or institutions, and the amount of debts owing to the Bank,

Statement of affairs to be submitted, and what it must show.

Bank, including and particularizing the amount so owing on bills of exchange, discounted notes, mortgages and *hypothèques*, and other securities, thus exhibiting on the one hand the liabilities of or debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

16. At all meetings of the Corporation the shareholders shall be entitled to vote according to the following scale, that is to say: For one share and not more than two one vote, and for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty, nor to represent more than five hundred votes by proxies; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a by-law, and which authority shall be lodged in the Bank; Provided always that a share or shares of the capital stock of the said Corporation that shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders, except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy: Provided also that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and vote accordingly.

Voting at any meeting, proportion of votes to shares.

Proxies.

Shares disqualified from representation.

How joint holders are to vote.

17. No cashier, bank clerk or other officer of the Bank shall vote, either in person or by proxy, at any meeting for the election of Directors, or hold a proxy for that purpose.

Bank officers not to vote at election of Directors.

18. Any number not less than twenty of the shareholders of the said Corporation, who together shall be the proprietors of at least five hundred shares of the paid-up capital stock of the Corporation on which all calls then due have been paid by themselves or proxies, or the Directors of the Corporation, or any three of them shall, respectively, have power at any time to call a special general meeting of the shareholders of the Corporation, to be held at their usual place of meeting in the City of

Special general meetings, by whom called.

How called. of Hamilton, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice-President or a Director or Directors of the Corporation, for maladministration or other specified or apparently just cause, then and in such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President) who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue or be undecided upon.

If the removal of President or Vice-President or Directors be proposed.

Shares personal estate. How transferred.

19. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said Bank, or any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due or contracted, and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons; and no fractional part or parts of a share or less than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a Writ of Execution, the Sheriff by whom the Writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the Writ with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or liabilities contracted and not then due by the holder or holders of the shares to the Bank shall have been discharged as aforesaid) the President or Vice-President or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser; and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

No fraction of a share transferable.

If sold under Writ of execution.

No Bank note until $100,000 paid up.

20. No bill or note for any sum whatever shall be issued or put into circulation by the said Bank until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in, and shall be held by and in the actual possession of the said Bank in gold or silver coin current in this Dominion.

21.

21. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the capital stock of the Corporation, nor in any Bank in Canada; nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage, or hypothecation, of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the Corporation, or of any goods, wares or merchandise; nor shall the said Corporation, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandise, or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always that the fifty-fourth chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting Incorporated Banks," as amended by the Act passed in the twenty-fourth year of Her Majesty's reign, chapter twenty-three, and by the Act passed in the twenty-ninth year of Her Majesty's reign, chapter nineteen, and the said Acts amending the same, and each and every of the provisions thereof shall apply to the Corporation hereby created, as fully and completely as if incorporated in the present Act.

Powers of Corporation as to business to be done by them.

Proviso, Cap. 54, Con. Stat. of Canada. 24 Vic. cap. 23. 29 Vic. cap. 19 to apply.

22. The aggregate amount of discounts and advances made by the Bank upon commercial paper or securities, bearing the name of any Director of the said Bank, or the name of any copartnership or firm, in which any Director of the said Bank shall be partner, shall not, at any one time, exceed one-thirtieth part of the total amount of discounts made by the Bank at the said time.

Limit as to paper of Directors under discount.

23. The Bank may allow and pay interest upon money deposited in the Bank, and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same, and the rate of discount then charged shall continue until the said note or negotiable paper so discounted, or any judgment thereon be paid or satisfied; and when notes, bills or other negotiable securities or paper are *bonâ fide* payable at a place within this Dominion different from that at which they are discounted, may also, in addition to the discount, receive or retain an amount not exceeding one half of one per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of Chapter fifty-five of the Consolidated Statutes of Canada; and the Bank may charge any note or bill held by, or made payable at the Bank against the

Bank may receive money on deposit at interest, and retain discount.

 deposit

deposit account of the maker or acceptor of such note or bill at the maturity thereof.

Obligations of the Bank binding, though not under seal.

24. The bonds, obligations, and bills obligatory and of credit, of the said Corporation signed by the President or Vice-President, and countersigned by the Cashier thereof, which shall be made payable to any person or persons, shall be assignable by endorsement thereon; and bills or notes of the Corporation signed by the President or Vice-President promising the payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same in the like manner and with the like force and effect as they would be upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing, from time to time, any cashier or officer of the Corporation, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of a branch or office of discount or deposit of the said Corporation to sign the bills or notes of the said Corporation intended for general circulation, and payable to order or bearer on demand.

Proviso: Directors may depute power to issue notes.

Notes to be payable at place of issue.

25. The notes or bills of the said Corporation made payable to order or bearer and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation in the said City of Hamilton, or from any of the branches, shall bear date at the place of issue, and not elsewhere, and shall be payable on demand in specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established shall be subject to the restriction as to the issuing and redemption of notes provided in this section.

Effect of suspension of specie payments.

26. A suspension by the said Corporation (either at the chief seat or place of business, or at any of their branches or offices of discount and deposit at other places, in Canada) of payment on demand in specie, of the notes or bills of the said Corporation payable there on demand, shall, if the time of suspension extend to sixty days consecutively, or at intervals within any twelve consecutive months, operate as, and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Total amount of Notes under $5 limited.

27. The total amount of the notes or bills of the said Corporation being for a less sum than five dollars, current money of Canada each, that shall be or may have been issued and put in circulation shall not exceed at any one time one-fifth of the amount of the capital stock of the Corporation then paid in; Provided

Provided always, that no notes under the nominal value of one dollar shall, at any time, be issued or put in circulation by the Corporation, nor shall any further limitation by Parliament of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privileges hereby granted. Proviso.

28. The total amount of the debt which the said Corporation shall, at any one time, owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the Capital Stock, paid in and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills of the said Bank in circulation payable on demand or to bearer exceed the amount of the actually paid-up Capital Stock of the Corporation and the gold and silver coin and bullion and debentures, or other securities reckoned at par issued or guaranteed by the Government under the authority of the Legislature of the late Province of Canada, or of the Parliament of the Dominion of Canada, on hand; and in case of excess in either respect the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted, and the Directors under whose administration such contracting of debts or issue of such notes or bills in such excess shall have taken place, shall be liable jointly and severally for such excess in their private capacities as well to the shareholders as to the holders of the bonds, bills, and notes of the Corporation; and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators, of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published in Hamilton, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; Provided always that such justification shall not exonerate any Director from his liability as a shareholder.

Total debts of the Bank limited, and of its Notes.

Directors liable for excess.

How enforced.

Proviso: How any Director may avoid such liability.

Proviso.

29. In the event of the property and assets of the Corporation hereby constituted becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater Double liability of Shareholders.

 extent

extent than to double the amount of capital stock held by them, that is to say, that the liability and responsibility of each shareholder shall be limited to the amount of his or her share or shares of the said capital stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Proviso.

Monthly statement of affairs.

30. Besides the detailed statements of the affairs of the said Corporation, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first Monday of each month in every year, statements of the assets and liabilities of the Corporation, in the form of the Schedule A hereunto annexed, shewing, under the heads specified in the said form, the average of the amount of the notes of the Corporation in circulation and other liabilities at the termination of each month, and the average amount of specie and other assets which at the same time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor of Canada, a copy of each such monthly statement, and if by him required to verify all or any part of the said statement, the said Directors shall verify the same by the production of the monthly balance sheet from which the said statement shall have been compiled; and furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor, such further information respecting the state and proceedings of the Corporation, and of the several branches and offices of discount and deposit thereof, as such Governor may reasonably see fit to call for; Provided always that the monthly balance sheet, and the further information that shall be so produced and given, shall be held by the said Governor as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said monthly balance sheet or of the information, that shall be so given; and provided, also, that the Directors shall not, nor shall anything herein contained be construed to authorize them, or any of them, to make known the private account or accounts, of any person or persons whatever having dealings with the Corporation.

Verification of same, if required.

Governor may require further information.

Proviso.

Proviso.

Bank not to lend money to any foreign State.

31. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine, anything in this Act to the contrary notwithstanding.

Penalty.

32.

32. The several public notices by this Act required to be given shall be given by advertisement in one or more of the newspapers published in the said City of Hamilton and in the *Canada Gazette* or such other Gazette as shall be generally known and accredited as the official Gazette for the publication of official documents and notices emanating from the Civil Government of Canada. Notices, how to be published.

33. Shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively made transferable and payable at the Bank in the said City of Hamilton; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such Agent or Agents as they may deem necessary. Transfer of shares.

34. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom such share shall have been transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Judge of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a city, town, borough or other place, or before a public notary where the same shall be made and signed; and every such declaration or other instrument so signed, made, and acknowledged shall be left at the Bank, with the Cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders, and until such transmission shall have been authenticated, no party or parties claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share or shares as the holder thereof; Provided always that every such declaration and instrument as by this and the following sections of this Act is required to perfect the transmission of a share in the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited representative; and provided also, that nothing in this Act contained Transmission of shares, how to be proved. Proof if executed in foreign country. Bank may

require further proof.

contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Transmission by marriage or death.

35. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the will itself, if authentic, or the letters of administration or of tutorship, or an official extract therefrom, or the requisite certificate of birth and marriage shall, together with such declaration be produced and left with the Cashier or other officer or agent of the Bank, who shall enter the name of the party entitled under such transmission in the register of shareholders.

Bank not bound to see to the execution of trusts, &c.

36. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; and the transfer of any share, and the payment of any dividend or deposit shall not cause any liability on the part of the said Bank to the rightful owner or administrator of such share, dividend or deposit, if such transfer be made by, or such payment be made to, the person in whose name such share shall stand in the books of the said Bank, or to whose credit such deposit may appear therein, whether such person be ordinarily competent to make such transfer or receive such payment or not.

Directors to invest a certain sum in Government securities.

37. It shall be the duty of the Directors of the said Bank to invest as speedily as the debentures hereinafter mentioned can be procured, and to keep invested at all times in the Government securities of the Dominion of Canada, or Debentures of the Consolidated Municipal Loan Fund for Upper Canada, one-tenth part of the whole paid-up capital of the said Bank, and to make a return of the number and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January in each year, under the penalty of the forfeiture of the charter of the said Bank, in default of such investment and return; provided always, that the said Directors shall not commence the ordinary business of banking unless

Proviso: $10,000 before commencing.

unless, nor until, the sum of ten thousand dollars shall have been invested in such debentures, within one year from and after the passing of this Act.

38. On complaint made on the oath of one credible witness, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the Bank, any Magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop, outhouse or other building, yard, garden or other place, where such persons shall be suspected of carrying on such making or counterfeiting, to be searched; and all such counterfeit bank bills, and notes, and such plates, dies, rolling presses, tools, instruments and material used in, or apparently adapted to the making or counterfeiting of such bills or notes as shall be found therein or thereon, shall forthwith be carried before the same or any other Magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any court of justice: and the same after being so produced in evidence shall be defaced or destroyed, or otherwise disposed of at the discretion of the court.

Search warrant for instruments for forging notes.

39. If any cashier, assistant cashier, manager, clerk or servant of the Bank, shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any money or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Embezzlement by officers of Bank to be felony.

40. Any person guilty of felony under this Act shall be punished, by imprisonment, at hard labour in the Penitentiary, for any term not less than two years, or by imprisonment in any other gaol or place of confinement, for any term less than two years, in the discretion of the Court.

Punishment of such felony.

41. This Act shall remain in force until the first day of June which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of Canada.

Duration of Act.

42. This Act, and the powers and privileges hereby conferred, shall be subject to any future legislation which may take place; and no general Act, whereby any privilege hereby conferred may be affected or impaired, or any extension of capital beyond the limitation contained in this Act, be required, shall be deemed a violation of the charter of the said Bank.

Bank to be subject to any future legislation.

SCHEDULE

SCHEDULE A.

(*Referred to in foregoing Act.*)

Return of the average amount of liabilities of the Bank of Agriculture during the period from the first of one thousand eight hundred and to the last day of the said month:—

LIABILITIES.

Promissory notes in circulation not bearing interest..$
Bills of exchange in circulation not bearing interest.$
Bills and notes in circulation bearing interest......$
Balances due to other Banks..................$
Cash deposits not bearing interest..............$
Cash deposits bearing interest.................$

Total average Liabilities...............$

ASSETS.

Coin and bullion..........................$
Landed or other property of the Bank...........$
Government securities......................$
Promissory notes or bills of other Banks..........$
Balances due from other Banks.................$
Notes and bills discounted, or other debts due to the Bank not included under the foregoing heads..$

Total average Assets..................$

CAP. LXXXVI.

An Act respecting the Northern Railway of Canada.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS, the Northern Railway Company of Canada have by their Petition represented, that since the passing of an Act in the Session of the Parliament of the late Province of Canada, held in the twenty-third year of Her present Majesty's Reign, intituled: *An Act relating to the Northern Railway of Canada*, and the expenditure of the full amount authorized to be raised by the said Act, in the reconstructions and repairs of the said Road, the country through which the said Railway runs has been rapidly developed, and the traffic of the said Road so largely increased as to have overcome the carrying power of the said Railway; that there is no provision for the extension of the appliances of the said Road, its Works and Rolling Stock to an extent adequate to such increased traffic, and the Company is now unable to afford proper facilities for the same, and that it is expedient that

Act of Canada, 23 V. c. 106, cited.

that provision should be made for giving extended powers to the Company for the development of such increased traffic,—and have prayed that an Act may be passed to enable them to raise new capital for the construction of Elevators, the extension of the Rolling Stock and other equipment, and the construction of such new and additional works as are or may be necessary for the operation and the extension of the traffic, and for other purposes; and whereas it is also represented, that it is absolutely essential to the future working of the Railway to a capacity sufficient for the increasing traffic thereof, and for the maintenance of existing and construction of extended grain elevator and storage accommodation, with the same view, and for additional Rolling Stock and equipment, that the Company be empowered to raise further capital; and also that without further powers in such respect the present value of the Railway, and its capacity and utility will be greatly impaired or diminished, and its further development prevented; and whereas the said Railway has been and is, by reason as well of water communication from either terminus thereof, as upon and through the medium of the main lines of Railway in Canada, and by connection therewith, respectively, largely used in the carriage and transportation of produce and lumber to and from various parts of Canada and of the United States of America, and is therefore a work of general advantage to Canada, and it is therefore expedient to grant the prayer of the said petition; and that for such purposes, the several Acts affecting the Northern Railway of Canada should be amended and enlarged: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In citing this Act for any purpose, it shall be sufficient to use the expression, "The Northern Railway Act of 1868," and the expression "The Company" as herein used shall denote "The Northern Railway Company of Canada." **Short title of Act.**

2. The Northern Railway of Canada is hereby declared to be a work for the general advantage of Canada. **Railway, a Work of Canada.**

3. The Company may, with the sanction of a majority of the votes of persons entitled to vote in that behalf at Meetings of the Company, present in person or by proxy, at a General Meeting of the Company specially convened for the purpose, issue, subject to the conditions and for the purposes hereinafter mentioned, Third Preference irredeemable six per cent. Bonds, of the nominal value of one hundred pounds sterling each, to the amount of one hundred and fifty thousand pounds sterling, and to be divided into two classes, of which Class A. shall be to the extent of fifty thousand pounds and class B. to the extent of one hundred thousand pounds, and such Bonds when issued, shall be a charge on the said Railway in the priority and rank hereinafter mentioned. **Company may issue preferential Bonds on certain conditions.** **Classes of such bonds.**

4.

How such bonds shall rank as a charge.

4. The Third Preference Bonds to be issued under this Act shall constitute a lien or charge upon the Northern Railway of Canada, its property and franchises, next after the Second Preference Bonds issued under the authority of the Act hereinbefore recited, and before the Provincial lien.

Expenditure of portion of proceeds on equipment.

5. The Company may, thereupon, and forthwith thereafter, issue and sell fifty thousand pounds sterling of the said Third Preference Bonds, Class A. thereof, and expend the proceeds thereof in the construction of Elevators, the increase and extension of the Rolling Stock and other equipment works and appliances of the Railway, for the further accommodation and facilities of its traffic.

Subscription list therefor.

Must be taken by a certain time.

6. A subscription list of parties subscribing for such Class A. Third Preference Bonds to the amount of twenty-five thousand pounds sterling, shall be delivered to the Financial Agents of the Dominion (in London, England,) and shall be approved by them on or before the first day of January, in the year one thousand eight hundred and sixty-nine, and in case such amount be not subscribed by that day, this Act, so far as relates to issue of Third Preference Bonds, shall be null and void.

Payment of part for arrears to Government.

7. The Company shall also thereupon, pay over fifty thousand pounds sterling, of Class B. Third Preference Bonds to the Receiver General of Canada, on account of the arrears of interest due by the Company at the time of the passing of the Act of the twenty-third year of Her Majesty's Reign hereinbefore mentioned, on the Provincial lien.

Part to be given for existing arrears of Interest.

As to arrears for which bonds under this Act shall not be taken.

8. The Company shall also thereupon call in the existing Arrears of Interest Debentures of the Company, amounting in all to fifty-one thousand nine hundred and eighty-four pounds eight shillings and four pence sterling, and cancel the same, and in lieu thereof fifty thousand pounds sterling Class B. Third Preference Bonds shall by a pro rata allotment be delivered to the holders of Arrears of Interest Debentures, and in case such holders shall not, within six months after notice that such Class B. Third Preference Bonds are prepared and ready for issue in exchange as aforesaid shall have been three times inserted in the *Canada Gazette*, the Toronto *Globe*, and *Leader*, the New York *Herald*, and the *Times*, (London, England,) give up, in Toronto or London, (England,) the Bonds now held by them, and accept such Class B. Third Preference Bonds as hereby authorized in lieu thereof, then such arrears of interest Debentures as shall not within that period be brought in and given up in exchange as aforesaid, shall continue to rank as if this Act had not been passed.

Rank of Bonds for Interest.

9. The Class B. Third Preference Bonds shall not rank for interest dividends thereon until the proceeds of the subscription for

for Class A. Third Preference Bonds shall have been actually expended for the purposes of this Act, to the satisfaction of the Governor in Council.

10. The powers and provisions of the Act hereinbefore mentioned in respect to the transfer and registration of Bonds, and to the right of voting and all other the rights and privileges of the holders of First and Second Preference Bonds at all meetings of the Company, are hereby conferred upon the holders of the Third Preference Bonds to be issued under this Act.

Powers of holders of bonds under this Act.

11. Subject to the foregoing conditions, and in lieu of the distribution thereof provided in the Act of the twenty-third year of Her Majesty's Reign hereinbefore mentioned, the future earnings of the Company shall be distributed as follows :

Future distribution of earnings of Railway.

1st. In the payment of working expenses of the said Railway.

2nd. In payment of the interest on the First Preference Bonds of the Company.

3rd. In payment of the interest on the Second Preference Bonds of the Company.

4th. In payment of the interest on class A. Third Preference Bonds authorized to be issued under this Act.

5th. In payment of the interest on class B. Third Preference Bonds authorized to be issued under this Act.

6th. In payment of interest on the Government lien of four hundred and seventy-five thousand pounds sterling.

7th. In payment of interest on the arrears of interest due to the Government of the Dominion.

8th. In payment of the Interest on the arrears of Interest Debentures (if any there be) which, not being given up and exchanged as herein provided, shall continue to rank as if this Act had not been passed.

9th. In Dividends on the share Capital of the Company.

12. The expression "working expenses" when used in this or any former Act relating to the Company, shall henceforth mean and include all expenses of maintenance of the Railway and the maintenance and extension of the Station Sidings, Buildings, Works, Warehouses, Elevators, appliances and conveniences belonging thereto, and of the Rolling and other Stock and moveable plant used in the working thereof, and also such rents or annual sums as may be paid in respect of

Interpretation, what shall be deemed working expenses.

of warehouses, wharves, or other property including land leased to or held by the Company, and also all expenses of and incident to working the Railway and the traffic thereon, including stores or consumable articles, also rates, taxes, insurance and compensation for accidents or losses, also all salaries and wages of persons employed in or about the working of the Railway and traffic, and all secretarial and establishment expenses, including Director's fees, agency legal and all other incidental working expenses whatsoever.

Company may erect buildings, &c.

13. The Company shall have power and authority to erect and maintain all necessary and convenient Buildings, Stations, Depots, Warehouses, Elevators, Wharves and Fixtures, and from time to time to alter, repair or enlarge the same, as the increasing traffic may require, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery and contrivances necessary for the accommodation and use of the passenger, and freight business of the said Railway, and also to make use of, for the purpose of the said Railway, the water of any stream or water course over or near which the said Railway passes, doing however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

May use streams of water.

As to carriage of Mails.

14. The Company shall also have power and authority to enter into contracts with the Postmaster General on behalf of the Dominion, for the carriage of mails to any District or Territory tributary to the said Railway.

Company may become parties to notes, &c.

Proviso.

15. The Company shall also have power to draw, make, accept, and endorse all Bills of Exchange and Promissory Notes in sums of not less than two hundred dollars, necessary for the carrying on of the business of the said Railway ; Provided, that nothing in this section shall be construed to authorize the Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

CAP. LXXXVII.

An Act to amend the Act for the Incorporation of the North West Navigation and Railway Company.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS the Directors of the North West Navigation and Railway Company, have, by their Petition, prayed that the period allowed them for commencing operations, surveying and locating the line of works may be extended so far only as hereinafter mentioned, and it is expedient to grant the prayer of the petition : Therefore, Her Majesty, by and with

with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Period limited by 25 V. c. 67, s. 21, for completion of works, extended.

1. The period limited by the twenty-first section of the Act for the incorporation of the said Company, passed in the twenty-fifth year of Her Majesty's reign, and chaptered sixty-seven, for the commencement of the Company's operations, shall be extended to the eighth day of June, eighteen hundred and seventy ; so far only as respects the navigation of Lakes Superior, Huron, Erie, Ontario, and the navigation of the River St. Lawrence.

CAP. LXXXVIII.

An Act to incorporate The Canada Shipping Company.

[*Assented to 22nd May*, 1868.]

Preamble.

WHEREAS William Murray, Alexander Urquhart, Thomas Rimmer, John Ogilvy, William Dow, Edwin H. King, Gilbert Scott, George W. Campbell, Alexander Gunn, George H. Frothingham and Thomas Workman have petitioned for the incorporation of themselves and others by the name of "The Canada Shipping Company," for the purpose of carrying on Shipping and Shipping Agency business ; and it is expedient to grant their petition, and to incorporate them with the powers hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Company incorporated. Name.

1. The aforesaid persons and all others who shall become Shareholders in the said Company, are hereby constituted a body politic and corporate by the name of "The Canada Shipping Company."

Business powers.

2. The said Company are empowered to carry on general Shipping and Shipping Agency business, with all business and affairs incident thereto, including the construction, owning, maintaining, hiring, leasing, chartering, employing and navigating, selling and disposing of all kinds of vessels, boats, ships, and other craft used for navigation, trade or other purposes, with their appurtenances.

Power to hold lands.

3. The Company may acquire by purchase, lease or otherwise, and may hold absolutely or conditionally any lands, tenements, real or immoveable estate, for the convenient conduct and management of their business, not exceeding the yearly value of ten thousand dollars, and may sell, alienate, let, release and dispose of the same from time to time, and may acquire others in their stead not exceeding at any time the value aforesaid.

4.

Capital stock and provision for increase and assignment.

4. The Capital of the Company shall be five hundred thousand dollars with power to increase the same as occasion may require to two million dollars, and shall be divided into shares of one thousand dollars each, which shares shall be held to be personal estate, and be assignable in such manner and form as may from time to time be prescribed by the By-laws of the Company.

Provisional Directors, powers and term of office.

5. The said William Murray, Alexander Urquhart, Thomas Rimmer, William Dow, Edwin H. King, Gilbert Scott, John Ogilvy and Thomas Workman, shall be the Directors of the said Company until a choice of Directors by election of the Shareholders shall take place in the manner hereinafter prescribed, and the said Directors and their successors, or any three of them shall have power to open books for the subscription of shares, receiving subscriptions to the stock of the Company, and allotting shares to the several subscribers; and no person shall hereafter be qualified to be a Director who does not hold in his own right four shares of the capital stock of the Company.

Annual meetings of shareholders for election, &c.

6. An annual meeting of the Shareholders of the Company for the transaction of the general business of the Company, at the City of Montreal, and the election of Directors from among the Shareholders for the management of the affairs of the Company, shall be held at such time and place, and under such regulations with regard to notice, as may be determined by the By-laws of the Company; and the holding of such other meetings as may be found necessary, or judged expedient, may also be provided for by such By-laws: and a first meeting for the putting into force of this Act, the election of Directors and the transaction of business generally shall be held within thirty days next after the passing of this Act; and one week's previous notice of the time and place of the holding of the said first meeting shall be given in one or more public newspapers by three of the Directors; and of subsequent annual meetings a like notice shall be given under the hand of the Secretary of the Company unless and until otherwise regulated by the By-laws thereof, and all or any of the Directors may be removed at any meeting of the Shareholders called for the purpose, or for that purpose together with any other object or business.

First meeting.

Notice.

Subsequent meetings.

Votes on shares.

7. Each share shall entitle the holder thereof to one vote at all meetings of the Company either personally or by proxy, such proxy being also a Shareholder, and having a written authority; Provided always that no single Shareholder shall be entitled to vote for any greater number of shares than one-fourth of the subscribed capital of the Company, and all questions shall be determined by the majority of votes given in respect thereof.

Appointment of officers.

8. The Company shall have a President and Vice-President, who shall be elected by the Directors from among themselves; the

the Directors shall also appoint a Secretary, and may appoint such other officers and employ such agents and managers as they may from time to time judge expedient, and may require such officers and Secretary, agents and managers, to give such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow such Secretary and officers, agents and managers, such salaries as may be agreed upon.

Security and pay.

9. The Directors may make such calls upon the respective Shareholders, in respect to the shares subscribed or held by them respectively, as they may from time to time deem expedient, and may require the same to be paid with or without interest, and may impose penalties for failure of payment, not exceeding two per centum at any one time, on the amount of the call or calls made; and likewise, subject to such rules and conditions as may be imposed by By-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, interest or penalty, and such shares shall, upon such declaration, be and become forfeited in favor of the Company as well as the amounts paid thereon, and may thereupon be sold and disposed of in such manner as the Directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the Shareholders in default, or the Directors may in their discretion, should they see fit, proceed by suit or action, for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties or either, as the case may be, and may afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case until the shares shall have been paid for in full.

Calls, how made, forfeiture for non-payment.

Recovery of by suit.

10. In any action or proceeding which may be brought by the Company against any Shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more in the Capital Stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest and penalties if any), and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon.

Actions on calls, form and evidence.

11. The Directors may make By-laws, and may from time to time alter, repeal, amend, or wholly substitute others for the government of the said Company, its affairs, business managers, agents, officers and servants, which by-laws shall be subject to approval or disallowance by the Shareholders, and shall not be in force until approved of either at the annual or any special general meeting of the Shareholders, and may, among other things, besides comprehending all matters hereinbefore referred to

Power to make By-laws for various purposes.

to as the subject of By-laws, be made subject to the special provisions of this Act for the following objects and purposes, and the same shall be accessible, at all seasonable hours, to all parties interested, viz:

Directors. 1. To fix and determine the number of Directors, the manner of filling up vacancies that may occur prior to the annual election, how many Directors shall constitute a quorum, and generally the manner in which their powers shall be exercised including subsidiary Boards of Directors for Great Britain or elsewhere;

Meetings. 2. The manner of calling meetings as well of the Directors as of the Shareholders, and fixing the time for annual meetings;

Arrears. 3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner in which such forfeiture shall be declared;

Register, &c. 4. The keeping of registers and transfer books for shares, prescribing the manner in which transfers shall be made, and the conditions in respect to the previous payments of calls or unpaid balance of the stock on which transfers shall be allowed; also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon, or in respect thereof;

Minutes. 5. The keeping of minutes of the proceedings and the accounts of the said Company, and rectifying any errors which may be therein, the auditing of accounts and appointment of Auditors;

Penalties. 6. The imposing of penalties against officers and servants of the Company, to an amount not exceeding twenty dollars for each offence;

Dividends. 7. The declaration and payment of profits of the said Company and dividends in respect thereof;

Paying of Directors. 8. The remuneration of Directors;

Borrowing or lending money. 9. The borrowing or advancing of money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same, such borrowing not to exceed the limit hereinafter stated;

Increasing stock. 10. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscriptions for, and allotting shares for such increase, and making calls thereon and collecting the same;

11.

11. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and duties conferred or imposed on the Company, its Shareholders and Directors by this Act. Generally.

12. The Company are authorized to borrow money at any time to the amount and extent of one half of fifty per cent of their paid-up capital, at such rate of interest as may be agreed upon. Company may borrow money.

13. The Company may become a party to promissory notes and bills of exchange, cheques, agreements, deeds, mortgages, pledges, bottomry and other bonds, and may pledge and mortgage their property in the same manner as individuals being natural persons could do. May be a party to promissory notes, &c.

14. It shall not be lawful for the said Company to proceed with their operations under this Act until two hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent shall have been paid thereon. $200,000 to be subscribed before commencing.

15. No Shareholder in the Company shall in any manner be liable to, or charged with the payment of any debt or demand due by the Company, beyond the amount of his or her subscribed share or shares in the capital stock of the Company. Liability of shareholders.

16. No failure to elect Directors, nor to hold the first meeting or any annual meeting, shall operate as a dissolution of the Company, but anything omitted to be done may be afterwards performed at a meeting called in conformity to the by-laws, or at a meeting called for the purpose by the Secretary, or any three Directors. Provision in case of failure to elect Directors.

17. This Act of Incorporation shall be deemed a Public Act, and the powers and privileges hereby conferred, shall be subject to the provision of any general Act that may hereafter be passed by the Parliament of Canada. Public Act, right to amend, reserved.

CAP. LXXXIX.

An Act to confirm a certain By-law passed by the Directors of the Lake Memphremagog Navigation Company, and for other purposes.

[*Assented to 22nd May,* 1868.]

WHEREAS a large number of shareholders of the Lake Memphremagog Navigation Company have, by their petition, represented amongst other things, that they have established a Line of Steamers and Vessels extending beyond the limits of the Province of Quebec, and that it is necessary in Preamble.

in order to carry out their undertaking, that the Capital Stock of the said Company should be increased by the issue of Preferential Shares, and that the Directors of the said Company have passed a By-law for that purpose, which the said shareholders have approved, and they desire to obtain the necessary power from the Parliament of Canada to carry the same into effect; and they have also prayed that power be given to the Directors to borrow money on behalf of the said Company, and it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Power to increase Capital Stock.

1. The Capital Stock of the said Company may be increased to eighty thousand dollars, of which stock, eight hundred shares, amounting to forty thousand dollars, and such further amount of the present Stock of the Company (remaining unpaid or unsubscribed), as the Directors may determine, shall be Preferential Stock, and the holders thereof shall be entitled in each and every year to a dividend at the rate of eight per centum per annum, before any dividend is declared or paid upon the balance of the Stock of the Company, which shall be known as ordinary Stock, and shall consist of such amounts thereof as shall be subscribed and paid up; after such rate is paid or set apart for dividends upon such Preferential Stock, the balance of profits applicable to dividends, shall be devoted, first to the payment of a dividend, not exceeding six per centum per annum, on the ordinary Stock, and secondly, to an equal dividend upon the whole Stock of the Company, including such Preferential Stock; if in any year the holders of the Preferential Stock do not receive a dividend or dividends amounting to eight per centum per annum, the deficiency shall be made up in the future before any dividends are declared upon the ordinary Stock, but without any interest upon any amounts so deficient; provided, however, that the increase of Capital Stock authorized by this section shall not be made until a by-law to that effect shall have been adopted by two thirds in value of the shareholders present, at a general meeting specially convened for the purpose of considering the same.

Preferential Stock.

Balance of profits, how to be applied.

Failure of dividends on preferential Stock.

Proviso.

Redemption of preferential stock.

2. The Directors of the Company may make provision for the redemption and paying off of the said Preferential Stock, or of any part thereof, in such way and after such notice as they may think fit, and the holders of such Preferential Shares shall have all the privileges of the holders of ordinary stock.

Power to borrow money, and issue debentures, &c.

3. The Directors of the said Company may, from time to time, with the consent of two thirds in value of the shareholders present, or represented in a general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may think proper; and may for that purpose make, or cause to be made, bonds or other instruments under the

the common seal of the Company, for sums not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached, provided that the aggregate of the sum or sums so borrowed, shall not at any time exceed the amount of the paid up capital of the Company, and no lender shall be bound to inquire into the occasion of any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted. Proviso.

CAP. XC.

An Act to incorporate "The Canadian Lake Underwriters' Association.

[*Assented to 22nd May*, 1868.]

WHEREAS the Provincial Insurance Company of Canada, the British America Assurance Company, and other Insurance Companies, have, by their petition, represented that on the seventeenth day of February, in the year of our Lord one thousand eight hundred and sixty-two, they formed themselves into an Association called "The Association of Canadian Lake Underwriters," for the purpose of adopting a uniform system of inspection and classification of all steamers and sailing Vessels navigating the St. Lawrence above Montreal, and the inland waters of Canada,—the investigation into the capacity and character of masters and officers of vessels, and into the causes of marine losses and disasters, and other like purposes; that they have, through their Agents and Inspectors, obtained valuable information on these subjects, from which, they have reason to believe, the commercial community has derived great benefit, and that they are desirous of obtaining a special Act of incorporation with a view to promoting more effectually the objects of the said Association, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Provincial Insurance Company of Canada, the British America Assurance Company, and the Western Assurance Company, and such other Insurance Companies as may associate with them, are hereby constituted a body corporate and politic, by the name of "The Canadian Lake Underwriters' Association," for the purpose of collecting and disseminating information upon subjects of marine or commercial interest, of encouraging and advancing worthy and well qualified commanders and other officers of steamers or sailing vessels in the merchant service, of ascertaining the qualifications of such persons as shall apply to be recommended as such commanders or officers, and of promoting the security of life and property on Association incorporated. Name and— General objects.

on the inland waters of Canada, between the Port of Montreal and the head of Lakes Huron and Superior.

Constitution to be adopted, and make By-laws for certain purposes.

2. The said Corporation shall have power to make and adopt a Constitution and By-laws, Rules and Regulations, for the purposes, objects and government thereof, for the admission of new associate companies, for granting masters and such other officers of vessels as may apply for the same certificates of competency, for the regulation and payment of fees and dues by such associated companies, and for the management of its funds and property, and from time to time to alter, modify and repeal the same, and such Rules and Regulations and the alterations thereof shall be subject to the approval of the Governor in council.

Proviso.

Power to hold real estate, and apply its funds.

3. The said Corporation may purchase and hold any real estate necessary for actual use and occupation, to an extent not exceeding in value five thousand dollars per annum; and may apply its funds and property, from time to time, in bestowing premiums or medals for praiseworthy acts in the merchant service, and in such other ways as may seem conducive to the purposes aforesaid.

Board of Managers, President, &c.

4. The business, property and affairs of the said Corporation shall be under the control of a Board of Managers, consisting of the President, the Vice-President and the Secretary or General Manager for the time being, of each of the Insurance Companies associated with it; but any such Company may, at their option, select some other person from among their Directors, to represent them in lieu of their President, Vice-President, Secretary or Manager; and the person so chosen shall continue in office until the first meeting of the Directors of such Company after the annual election; and if his place at the Board become vacant by death, resignation or otherwise, another Director may be selected by the said Company to fill the same for the remainder of the term.

Provisional Board.

5. The Honorable John Hillyard Cameron, the Honorable John McMurrich, George Percival Ridout, the Honorable William Cayley, Charles Magrath, Lewis Moffatt, James Sydney Crocker, Barnard Haldan, Thomas W. Birchall, shall constitute the first Board of Managers, and shall continue in office until the third Monday in December next after the passing of this Act, when they shall be replaced by a Board constituted in the manner provided by the last preceding section.

Inspectors may be appointed to obtain information on certain matters.

6. The Board of Managers may, from time to time, appoint one or more persons as Inspectors, to report to them upon the following matters, that is to say:

1. Upon the nature and causes of any accident or damage which any vessel has sustained or caused, or is alleged to have sustained

sustained or caused, or to any goods, merchandise, or other things whatsoever, aboard such vessel;

2. Whether the provisions of the Act respecting the Navigation of Canadian waters, or any regulations made under or by virtue thereof, have been complied with;

3. Whether the hull, rigging, equipments and appurtenances of vessels are sufficient and in good condition.

7. The said Association may, with the view of rendering complete their classification of vessels, add to their official reports such information as they may obtain from the Department of Marine and Fisheries in reference to the classification of Steamers and other vessels, and shall furnish a yearly report of their proceedings to the said Department. Report to Minister of Marine and Fisheries, and information from that Department.

CAP. XCI.

An Act to incorporate "The Merchants' Express Company of the Dominion of Canada."

[*Assented to 22nd May*, 1868.]

WHEREAS the several parties hereinafter named have, by their petition, represented that they have associated themselves together, with divers others, for the purpose of the transport and carriage and conveyance of money, of packages, of goods, chattels, wares and merchandise, and of every description of property that may be intrusted to their care, for transport, carriage and delivery to and from any part or portion of the country, being within the Dominion of Canada, and the more effectually to carry out this enterprise, they have prayed that an Act be passed incorporating them with powers hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Joseph A. Woodruff, of the town of St. Catharines, in the Province of Ontario, Esquire; John C. Rykert, of the same place, Esquire; Gilbert McMicken, of the town of Windsor, in the said Province, Esquire; Samuel Smith Macdonell, of the same place, Esquire; Francis Smith, of the city of Toronto, in the said Province, Merchant; Robert Gilmor, of the same place, Esquire; F. W. Cumberland, of the same place, Esquire; John Walker, of the city of London, in the said Province, Esquire; George Macbeth, of the same place, Esquire; Edward Griffin, of the city of Ottawa, in the said Province, Esquire; John Ferguson, of Glencoe, in the said Province, Esquire; and such others as may be associated with them, and their successors, and such and so many of other persons or parties who have become or may become shareholders in the Capital Stock hereinafter Company incorporated.

hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, and by the title of "The Merchants' Express Company of the Dominion of Canada," with power to acquire and hold real estate to the extent of three thousand dollars annual value, and personal estate for the use of the said Corporation, and may sell and alienate the same as they may deem convenient.

Corporate name.

May hold real estate.

Capital Stock.

2. The Capital Stock of the said Corporation shall be two hundred thousand dollars, divided into two thousand shares of the value of one hundred dollars each.

Liability limited.

3. No shareholder in the said Corporation shall be in any manner liable or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

4. And it shall and may be lawful for the said Company—

Business to be transacted by Company.

1. To contract with Railway Companies, Steamboat Companies or owners, Stage or Waggon Proprietors and others, for the carriage and transport of any goods, chattels, merchandise, money, packages or parcels that may be intrusted to them for conveyance from one place to another within the Dominion of Canada;

2. To contract with British and Foreign Express Companies, and other parties for co-operating with and transacting such business as aforesaid in connection with the said Company;

3. To acquire, construct, charter and maintain boats, vessels, vehicles and other conveyances for the carriage and transport of any goods or chattels whatsoever by the Company;

4. To make By-laws for managing the business and affairs of the Company, and for regulating the appointment and duties of the officers and servants.

Transfer of shares on condition.

5. The shares of the Stock of the said Corporation shall be transferable; but no transfer of any share shall be valid until entered in the books of the Corporation, according to such form as the Directors may, from time to time, determine; and until the whole of the capital stock of the said Corporation is paidup, it shall be necessary to obtain the consent of the Directors to such transfer being made; provided always, that no shareholder indebted to the said Corporation for calls or otherwise, shall be permitted to make a transfer or receive a dividend until such debt has been duly paid.

Proviso.

Shares to be personal estate.

6. The Stock of the said Corporation shall be deemed personal estate, notwithstanding the conversion of any portion of the

the funds constituting the same into lands; and at all meetings of the shareholders held in pursuance of this Act, whether the same be general or special, every shareholder shall be entitled to as many votes as he or she shall have shares in the said stock, and such votes shall be given in person or by proxy, and all questions proposed or submitted for the consideration of the said meeting, shall be determined by the majority of votes; provided, that no person shall be entitled to vote as proxy at any meeting unless he shall be a shareholder in the said Corporation, and produce written authority as such proxy in the form to be prescribed by any by-law of the said Corporation.

Votes on stock.

Proviso as to proxies.

7. For the managing of the affairs of the said Corporation, there shall, from time to time, be elected out of the members of the said Corporation, five persons, being each a proprietor of not less than ten shares of the said Capital Stock, to be Directors of the said Corporation; and any three Directors shall form a quorum of the Board, and may exercise all the powers of the Directors.

Election of Directors.

8. No by-law, rule or resolution for the raising of money or disposing of the real estate of the Corporation, shall be finally passed until confirmed by the shareholders, at a meeting specially called for that purpose:

Loans or sale of real estate.

2. And whenever any vacancy shall happen among the Directors, by death or resignation, such vacancy shall be filled up until the next General Meeting of shareholders, by the appointment of some one of the shareholders to the vacancy so occurring by death or resignation as aforesaid; and the majority of the Directors, for the time being, shall have power and authority to elect or appoint the person to fill or supply the vacancy made in the Board of Directors by either of the causes aforesaid; and the Directors shall have power and authority to make such calls for money from the several shareholders, for the time being, as may be provided for by any by-law, rule or regulation of the said corporation; and they may sue for and get in all calls, whether already made, or hereafter to be made, or cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such ways as shall be prescribed by some by-law of the said Corporation; and in order to maintain an action for the recovery of calls due, it shall be sufficient to prove, by any one witness, that the defendant, at the time of making such call, was a stockholder in the number of shares alleged, and that the calls sued for were made and notice thereof given in conformity with the by-laws of the said Corporation; and it shall not be necessary to prove the appointment of Directors or any other matter whatsoever.

Vacancies among Directors, how filled.

Calls, how made and enforced.

9. The first General Meeting of the Shareholders of the said Corporation, shall be holden at the office of the said Corporation, in the city of Toronto, at which place the said Corporation shall

First general meeting.

shall have its principal place of business, on the fifteenth day of April, in the year of our Lord, one thousand eight hundred and sixty-nine, and at such time and place, and upon the like day in each and every year thereafter, until otherwise provided by by-law; the said shareholders shall elect five qualified persons to be Directors of the said Corporation, which said Directors so elected, shall elect a President; and until such first election, the Directors of the said Corporation are hereby declared to be Joseph A. Woodruff, Gilbert McMicken, Samuel Smith Macdonell, Robert Gilmor and John Ferguson, with power to add to their number; and they, or the successor or successors of them, shall be and are constituted to be Directors of the said Corporation, and shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions and restrictions imposed upon the Directors to be chosen under this Act; provided, that at the first meeting of the Directors to be chosen after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President.

Provisional Directors.

President.

Provision in case of failure to hold a meeting.

10. The failure to hold the said first General Meeting, or any other meeting, to elect Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any special meeting to be called by the Directors in conformity with the By-laws of the said Corporation, and until the election of Directors by Shareholders as aforesaid, those who may be in office, for the time being, shall be and continue in office, and exercise all the rights and powers thereof until such election so to be made by the Shareholders, as hereinbefore provided.

Ten per cent to be paid on stock before commencing.

11. It shall not be lawful for the said Corporation to proceed with their operations under this Act, unless they shall have paid up the sum of ten per centum on the amount of their Capital Stock.

Power to increase Capital.

Proviso.

12. It shall and may be lawful for the said Company at any time, upon a vote of the Stockholders, or a majority of them, at a meeting to be specially called for the purpose, to increase the Capital Stock of the Company as they may find or deem their business to require, to any amount not exceeding $1,000,000 (one million of dollars); provided always, that upon such increase of Capital, there shall be at the time of subscribing the same, at least ten per centum thereof paid in, and such order made for the calling in of the remainder as the Directors by By-law may direct.

Public Act, to be subject to any general Act.

13. This Act of incorporation shall be deemed a Public Act, and the powers and privileges hereby conferred, shall be subject to the provisions of any general Act that may hereafter be passed by the Parliament of Canada.

CAP.

CAP. XCII.

An Act respecting the Canada Vine Growers' Association.

[*Assented to 22nd May*, 1868.]

WHEREAS it is expedient to make further provision for the encouragement of the cultivation of vines and the manufacture of wine in the Dominion; and whereas the Canada Vine Growers' Association is in possession of property the value of which chiefly depends upon its adaptation and usefulness for carrying on the business of Vine Growing and Wine Making: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The period specified in the second section of the Act of the Legislature of the late Province of Canada, twenty-nine and thirty Victoria, chapter one hundred and twenty-one, intituled: *An Act for the incorporation of the Canada Vine Growers' Association*, is extended for a further period of two years, to commence from and after the expiration of the ten years in the said Act mentioned. Period limited by 29, 30 V. c. 121, extended.

2. The Association may, at any time, sell or otherwise dispose of all its estate, real and personal, securities, assets and effects, of whatsoever description, together with all and every the corporate rights, privileges and franchises held by the said Association, upon a vote to that effect given personally or by proxy by at least two-thirds of the stockholders having a vote, holding not less than two-thirds of the capital stock then issued, such vote to be taken at a meeting to be specially called for that purpose in the manner provided in the said Act, and by notice sent through the Post Office, addressed to each shareholder having a vote, and the deed of sale and other instruments perfecting such sale and all covenants connected therewith shall be made and executed under the seal of the Association and be signed by the President and Secretary thereof in the usual form of law; and such sale shall transfer to the purchaser all the property and capital stock of the Association with all its corporate rights, franchises and privileges, and the corporate name, and he may issue and dispose of the said capital stock or any portion thereof in the manner appointed by the said Act, and he and such other persons as, after the said sale, shall become shareholders, if any there be, shall have the same rights and remedies in relation to the said property and capital stock, and to all the corporate powers, privileges and franchises and to the use of the corporate name as the corporators and shareholders now have. Power to the association to dispose of its property and rights. Effect of any transfer thereof.

3. The purchaser or any person who may become a shareholder after such sale, shall not be liable to pay any call on the capital stock so sold, or any sum of money whatever due before such Liability of purchaser or persons thereafter becoming

Shareholders limited.

such sale by reason of any call or debt of the association, but the purchaser shall be liable to pay only the stipulated price or consideration according to the covenants in the deed of sale or other instrument contained, provided that nothing herein contained shall diminish or in any way affect the right or remedy of any person being a creditor of the said association before the time of such sale and conveyance against any shareholder therein, whose stock at the time was not paid up in full.

Division of excess of price beyond debts.

4. In case the amount realized from any sale and conveyance, made as hereinbefore specified, shall exceed the debts and liabilities of the association, such excess shall be divided among the stockholders in proportion to the amount paid up on their respective shares.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. XCIII.

An Act to amend the Acts relating to the Canada West Farmers' Mutual and Stock Insurance Company, and to change the name of the Company to the "Canada Farmers' Mutual Insurance Company."

[*Assented to 22nd May,* 1868.]

Preamble.

WHEREAS the Canada West Farmers' Mutual and Stock Insurance Company have, by their petition, prayed for certain amendments to their Act of Incorporation, and it is expedient that the prayer of their petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Change of name.

1. The Corporate name of the said Company shall henceforth be "The Canada Farmers' Mutual Insurance Company."

Business may extend over the Dominion.

2. The said Company shall henceforth have power and authority to make and effect contracts of Insurance with any person or persons, body or bodies corporate or politic, against loss or damage by fire on any house or houses, store or stores, or other building or buildings whatsoever, situate within the Dominion of Canada, and in like manner on any goods, chattels or personal estate whatsoever within the said Dominion, for such term or terms, period or periods, and for such consideration and subject to such conditions and restrictions as may be agreed upon between the said Company and the person or persons, body or bodies agreeing with them for Insurance, and generally to do and perform all matters and things connected with or requisite to promote those objects.

Limitation of risks.

3. The powers and provisos respecting cases of Mutual Insurance mentioned and contained in the original Act of Incorporation

Incorporation of the said Company and in the Acts amending the same, shall extend and be applicable to contracts of insurance effected under this Act, with this exception, that it shall henceforth be lawful and competent for the said Company to effect an insurance on any one risk for a sum not exceeding four thousand dollars. Exception.

4. It shall henceforth be lawful and competent for the said Company to make and effect contracts of re-insurance with any other Company or Companies upon the whole or any part of any property insured by the said Canada Farmers' Mutual Insurance Company. Re-Insurance.

5. Notwithstanding anything in the said Act of Incorporation of the said Company contained, it shall not henceforth be necessary to hold a weekly meeting of the Board of Directors of the said Company, but the said Board of Directors may henceforth hold their meetings so often and at such times as they may from time to time, by By-law, direct. Meetings of Directors.

6. This Act shall be subject to the provisions of any General Act regulating Insurance which may be made applicable to Companies of the same class with that whose Act of Incorporation is hereby amended, to be passed in the present or any future Session of Parliament. To be subject to any general Act.

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1867-8.—31 VICTORIÆ.

FIRST SESSION, FIRST PARLIAMENT.

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